MILLER PARK
ASSESSMENT DISTRICT FORMATION AND
PARK CONSTRUCTION PROJECT

EXPANDED INITIAL STUDY

Prepared for:

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July 20, 2009

I. INTRODUCTION AND PURPOSE

This Expanded Initial Study assesses the potential environmental impacts and identifies appropriate mitigation measures associated with the proposed Miller Park Assessment District Formation and Park Construction project (to be referred to herein as the "Miller Park project," or "proposed project" or "proposed park facilities"). It should be noted that the project site is not formally named Miller Park, but has been commonly referred to as either Miller Park, the Jim O. Miller Park or the Olde Towne Neighborhood Park. The Nipomo Community Services District, as Lead Agency for this environmental document, has the responsibility for determining whether or not to approve the proposed park facilities to be operated by the Nipomo Community Services District.

As part of their decision-making process, the Nipomo Community Services District is required to review and consider the potential environmental effects that could result from this proposal. Together with the technical analyses applicable to this project and other environmental documents incorporated by reference, this analysis will serve as the environmental review for the proposed project. This review is required by the California Environmental Quality Act of 1970 (CEQA) as amended (Public Resources Code Section 21000 et. seq.) and the State CEQA Guidelines as well as Guidelines for the Implementation of CEQA adopted by the Nipomo Community Services District.

The Nipomo Community Services District is preparing this Expanded Initial Study to assist in their consideration of whether to prepare a Negative Declaration, a Mitigated Negative Declaration or an Environmental Impact Report for this project. In the event that an EIR is required, this Initial Study will focus the EIR on the effects determined to be potentially significant, identify any impacts determined to not be significant, describe the anticipated extent of analyses within the EIR and to assist the public and other responsible agencies in their evaluation of the proposed project and their formulation of initial environmental concerns in response to the Notice of Preparation.

This Expanded Initial Study will be the final environmental document for the proposed project pursuant to CEQA requirements if a Negative Declaration or a Mitigated Negative Declaration is required. Section 15070 of the State CEQA Guidelines states that "a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when the Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment." This determination would be based upon the information and analyses contained in this Expanded Initial Study in combination with any documents incorporated by reference.

This Expanded Initial Study has been prepared in a manner which provides complete and adequate California Environmental Quality Act (CEQA) coverage for all actions and approvals associated with the proposed project. These actions include: formation of an

Assessment District to provide the means to fund construction, operation and maintenance of the proposed park facilities; approval of a land transfer by the County of San Luis Obispo; approval of an application to activate Parks Latent Authority by the San Luis Obispo Local Agency Formation Commission; design approval and authorization to proceed with construction of the proposed park facilities and certification of this Expanded Initial Study by the Nipomo Community Services District. The proposed project will also require issuance of grading permits and building permits by the County of San Luis Obispo and obtaining the 60-foot abandoned Pacific Coast Railway right-of-way immediately west of the project site.

This Expanded Initial Study begins with Section I. Introduction and Purpose, which provides an introductory discussion of the purpose and scope of the document. Section II. Summary/Mitigation Monitoring Program summarizes the potential impacts and proposed mitigation measures. This section also contains the State-mandated Mitigation Monitoring Program (pursuant to AB3180). Section III. Project Description provides a detailed description of the proposed Miller Park project.

Section IV. Environmental Setting provides an overview description of existing environmental conditions within and in the vicinity of the project site.

Section V. Environmental Evaluation contains the environmental checklist required by Section 15063(d)(3) of the State CEQA Guidelines. This checklist is intended to determine the nature and extent of various environmental effects of the proposed project followed by an explanation to justify the determination. In many instances, project impacts are identified as "no impact" or "less than significant impact." The summary discussion following the checklist item provides the basis for this determination. Checklist items identified as "potentially significant unless mitigation incorporated" or "significant impact" are discussed in greater detail in Section VI. Impacts and Mitigation Measures. Section VII. Environmental Determination makes the final determination as to whether a Mitigated Negative Declaration is appropriate. Section VIII. Certification provides the required Lead Agency Certification Statement.

Section 15150 of the State CEQA Guidelines permits an environmental document to incorporate by reference other documents that provide relevant data to the proposal currently being considered. The South County General Plan, Inland as well as other long-range planning documents prepared by the County of San Luis Obispo as noted throughout this Expanded Initial Study are hereby incorporated by reference.

This Expanded Initial Study provides a full and objective discussion of the potential environmental impacts of the proposed Miller Park project. In preparing this document, the Nipomo Community Services District decision-makers, staff and members of the public will be fully informed as to the potential impacts and required mitigation measures associated with the proposed project. In accordance with Section 15021 of the State CEQA Guidelines, this document is intended to enable the Nipomo Community Services

District, as Lead Agency for this environmental document, to evaluate these environmental impacts and mitigation measures in their consideration of the proposed project. The Lead Agency has an obligation to balance possible adverse effects of the project against a variety of public objectives, including economic, environmental and social factors, in determining whether the project is acceptable and approved for development.

Pursuant to California Public Resources Code 21082.1, the Nipomo Community Services District has independently reviewed and analyzed the information contained in this Expanded Initial Study prior to its consideration and certification. The conclusions and discussions contained herein reflect the independent judgment of the Nipomo Community Services District to those issues at the time of publication.

II. SUMMARY/MITIGATION MONITORING PROGRAM

This Expanded Initial Study assesses the potential environmental impacts and identifies appropriate mitigation measures for the potential impacts associated with the proposed Miller Park project.

A. PROJECT SUMMARY

The proposed Miller Park project will contain a variety of neighborhood park facilities which are intended to facilitate its anticipated future use for individual recreation, picnics, a farmer's market and other outdoor events or activities. The proposed park facilities include a gazebo, picnic facilities, a railroad memorial, pole barn, a veteran's memorial, restrooms, a pedestrian/bike path, interior paths, parking, fencing, lighting, utilities and landscaping in the form of trees, shrubs and softscape (see Figure 4, Proposed Park Facilities).

The proposed project involves a series of approvals and discretionary actions by the Nipomo Community Services District and other involved local agencies. These actions include: the formation of an Assessment District to provide the means to fund construction and operation of the proposed park facilities; approval of a land transfer by the County of San Luis Obispo; approval of an application to activate Parks Latent Authority by the San Luis Obispo Local Agency Formation Commission; design approval and authorization to proceed with construction of the proposed park facilities and certification of the Expanded Initial Study by the Nipomo Community Services District. The proposed project will also require issuance of grading permits and building permits by the County of San Luis Obispo and obtaining the 60-foot abandoned Pacific Coast Railway right-of-way immediately west of the project site.

The proposed project will be constructed in two phases. The first phase will include all required project grading as well as construction of the proposed restrooms, paths, parking lot, fencing, lighting, utilities and landscaping all of which will require three months. Other structures, including the gazebo, pole barn, railroad memorial and picnic facilities, will be constructed in the second phase which will be completed when funding for these facilities is available.

B. IMPACT/MITIGATION SUMMARY AND MITIGATION MONITORING PROGRAM

Provided below is a summary listing of all potentially significant environmental impacts and mitigation measures associated with the proposed project. Following each mitigation measure is an indication of the action involved with enforcement or implementation of

the mitigation measure (i.e. "Specific Action"), the timing of implementation (i.e. "Mitigation Milestone") and the Responsible Monitoring Party. This Mitigation Monitoring Program is intended to reflect the requirements of AB 3180 which requires a monitoring program to insure the implementation of these mitigation measures.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
Water The proposed project will result in short-term landform alteration during project grading which could potentially alter the composition of surface runoff. This may degrade downstream water quality within the adjacent Nipomo Creek tributary.	1. Prior to the issuance of grading permits, a detailed Drainage and Erosion Control Plan shall be submitted to the County of San Luis Obispo for review and approval. These plans shall maintain the existing site drainage patterns to the greatest extent feasible with drainage flows during project construction directed to an on-site detention basin. The Drainage and Erosion Control Plan shall include, but may not be limited to, the following elements: a. In order to avoid erosion at drainage discharge locations during project construction, erosion control devices such as temporary berms, culverts, sandbagging or detention basins will be provided where necessary. b. Drainage from areas disturbed by project grading shall be directed to an on-site detention basin.	Prepare a detailed Drainage and Erosion Control Plan to maintain existing on-site drainage patterns to the greatest extent feasible.	Prior to and during project grading and construction.	County of San Luis Obispo and the Nipomo Community Services District.
Air Quality Fugitive dust will be generated during grading required for the proposed project.	2. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and	Use water trucks or sprinklers for dust control.	During project grading and construction.	Nipomo Community Services District and County Air Pollution Control District.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	after work is done for the day. Increased watering frequency will be required whenever wind speeds exceed 15 mph.			
	3. All dirt stockpile areas shall be sprayed daily as needed.	Spray dirt stockpile areas.	During project grading and construction.	Nipomo Community Services District and County Air Pollution Control District.
	4. Exposed ground areas that are planned to be reworked at dates greater than one month shall be sown with a fast-germinating native grass seed and watered until vegetation is established.	Plant native grass seed on exposed areas.	During project grading and construction.	Nipomo Community Services District and County Air Pollution Control District.
	5. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting or other methods approved in advance by the APCD.	Stabilize disturbed soils.	During project grading and construction.	Nipomo Community Services District and County Air Pollution Control District.
	6. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.	Restrict construction vehicle speeds.	During project grading and construction.	Nipomo Community Services District and County Air Pollution Control District.
	7. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least two feet of freeboard.	Cover or maintain adequate freeboard on all hauling trucks	During project grading and construction.	Nipomo Community Services District and County Air Pollution Control District.
	8. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.	Sweep streets containing soil material.	During project grading and construction.	Nipomo Community Services District and County Air Pollution Control District.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
Transportation/Circulation The proposed project may result in the temporary diversion of automobile traffic, pedestrians or bicyclists on Tefft Street at the project entrance during grading and construction.	9. All project construction sites accessing onto or occurring adjacent to public roadways shall provide adequate signage, barriers and, if necessary, flagmen in order to insure safe diversion of vehicular traffic, bicyclists and/or pedestrians. These measures shall also insure continued access from adjacent properties to local roadways.	Provide adequate signage, barriers and, if necessary, flagmen.	During project grading and construction.	Nipomo Community Services District.
	10. Construction-related vehicle trips shall be scheduled whenever possible during non-peak hours in order to reduce peak hour (7:00AM to 8:30AM and 3:00PM to 4:30PM) traffic impacts	Schedule construction vehicle trips during non-peak hours.	During project grading and construction.	Nipomo Community Services District.
Biological Resources The proposed project has the potential to result in temporary impacts to nesting birds protected under the Migratory Bird Treaty Act and the Coast horned lizard.	11. Project construction activities shall be conducted prior to, or after, the nesting season (February 15 to September 15) in order to avoid any potential impacts to nesting birds protected by the Migratory Bird Treaty Act. This shall include any necessary vegetation and/or tree removals which could disrupt nesting birds. Therefore, construction activities should be conducted between the months of October and January to the extent feasible.	Avoid construction during the bird nesting season.	During project grading and construction.	Nipomo Community Services District.
	12. If Measure No. 11, above, is infeasible, pre-construction surveys shall be conducted by a qualified biologist two weeks prior to the initiation of construction activities, if initiated between February 15 and September 15 (i.e., nesting bird season) in order to	Conduct pre-construction surveys during the nesting season.	Prior to and during project grading and construction.	Nipomo Community Services District.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	identify potential bird nesting sites: a. If active nest sites of common bird species protected under the MBTA (e.g., northern mockingbird, house finch, etc.) and Fish and Game Code 3503 and 3503.5 are observed within 300 feet of construction activities, then the project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young and b. If active nest sites of raptors and/or species of special concern are observed within the vicinity of the project site, construction shall be avoided or terminated until the CDFG is contacted and an appropriate buffer zone around the nest is established. Construction activities in the buffer zone shall be prohibited until the young have fled the nest or the nest is abandoned.			
	13. A qualified biological monitor shall conduct a worker orientation program for all construction contractors (site supervisors, equipment operators and laborers) which emphasizes the potential for presence of special-status species within the project site (i.e., CRLF, Coast horned Lizard), identification their habitat requirements and applicable regulatory policies and provisions regarding their protection, and measures being implemented to avoid and/or minimize impacts.	Conduct a worker orientation program to minimize impacts to sensitive species.	During project grading and construction.	Nipomo Community Services District.
The proposed project may indirectly impact the riparian scrub community and in-stream habitat of the adjacent Nipomo Creek tributary.	14. A qualified biologist shall be retained to conduct a pre-construction survey of the Riparian Scrub (Nipomo Creek) and Coyote Brush Scrub areas in the vicinity of the project site. In the event that any special-status	Conduct pre-construction surveys.	Prior to and during project grading and construction.	Nipomo Community Services District.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	species are identified within the project areas (i.e., CRLF, southwestern pond turtle, Coast horned lizard), all work shall be delayed and the appropriate agencies shall be contacted for further consultation. As necessary, appropriate regulatory agency permits and/or approvals shall be obtained to allow relocation of special-status species from the project area.			
	15. All equipment staging, construction-crew parking areas shall be established within the pre-designated staging areas identified on construction plans. This shall include pre-designation of all staging areas to facilitate completion of the development activities. Additionally, all construction access routes shall be established in previously disturbed areas and/or existing roadways.	Establish equipment staging and crew parking areas.	Prior to and during project grading and construction.	Nipomo Community Services District.
	16. Exclusionary fencing will be erected at the boundaries of the construction areas to avoid equipment and human intrusion into adjacent habitats with emphasis on protection of areas containing special-status species (i.e., Nipomo Creek). The exact location of exclusionary fencing for each construction area shall be determined by a qualified biological monitor. The fencing shall remain in place throughout the construction phase for each individual project component.	Provide exclusionary fencing.	During project grading and construction.	Nipomo Community Services District.
	17. During construction, washing, refueling and maintenance of equipment shall occur only in designated areas. Hay bales, sandbags and sorbent pads shall be available to contain spilled fuel and/or equipment lubricants to prevent migration into Nipomo	Washing, refueling and maintaining construction equipment in designated areas.	During project grading and construction.	Nipomo Community Services District.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	Creek.			
	18. Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.	Inspect construction equipment daily.	During project grading and construction.	Nipomo Community Services District.
	19. The construction zone shall be kept free from litter by providing suitable disposal containers for trash and all consumption-generated material wastes. These containers shall be emptied at regular intervals and the contents properly disposed.	Provide litter control.	During project grading and construction.	Nipomo Community Services District.
The proposed project may indirectly impact the riparian scrub and in-stream habitat of the adjacent Nipomo Creek corridor, an important wildlife migration corridor.	20. A 50-foot setback from the Nipomo Creek channel shall be illustrated on final construction plans and adhered to throughout the project. At no time shall any equipment and/or materials staging be allowed within the 50-foot set-back area.	Provide a 50-foot setback from the Nipomo Creek tributary channel.	During project grading and construction.	Nipomo Community Services District.
	21. Prior to commencing construction, the applicant shall prepare the following plans and agency permit applications, and shall implement all plans prior to, during and immediately following construction activities: a. In compliance with the San Luis Obispo County Land Use Ordinance, the applicant shall prepare an Erosion and Sedimentation Control Plan (ESCP) outlining measures to address both temporary (i.e., post-construction) methods for stabilizing soil and minimizing soil loss from the proposed project site. All applicable measures shall be included on final construction	Prepare erosion control, stormwater prevention, spill contingency and stormwater runoff water quality protection plans.	Prior to and during project grading and construction.	Nipomo Community Services District.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	plans and adhered to throughout the project. b. All project operations shall comply with the requirements under the General Construction Storm Water General Permit, issued by the State Water Resources Control Board (SWRCB) (Permit Order 99-08-DWQ). Such requirements will include preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include provisions for the installation and maintenance of Best Management Practices to reduce the potential for erosion of disturbed soils at the project site. c. A Spill Contingency Plan (SCP) outlining measures to prevent the release of petroleum and hazardous materials including containment methods for emergency clean-up operations. Prevention measures shall include, but are not limited to identification of appropriate fueling areas away from sensitive habitat areas such as swales and/or drainages, a maintenance schedule for equipment and a list of appropriate containment and spill response materials to be stored on-site. All vehicles shall be staged only in appropriately marked and protected areas and at no time shall any cleaning and/or refueling of equipment be allowed upslope and/or within the vicinity of drainages. If an accidental spill of a hazardous or toxic material occurs, the Regional Water Quality Control Board (RWQCB), CDFG and California Department of Toxic Substances (CDTS) shall be notified.			

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	22. Final landscape plans for the proposed park shall emphasize the use of California native, drought-tolerant plant species and shrubs. At no time shall any plant species listed by the California Invasive Plant Council (Cal-IPC) be included in the final landscaping plan for the proposed park.	Provide landscape plans that emphasize the use of native, non-invasive plant species.	Prior to project grading and construction.	Nipomo Community Services District.
	23. The proposed walk/bike trail and cul-de-sac turnaround shall be installed no less than 50 feet from the top of the bank of Nipomo Creek. The final location of the walk/bike trail, cul-de-sac turnaround and associated 50-foot buffer shall be illustrated on all final plans and shall include permanent fencing and signage informing the public that the creek corridor is a "Sensitive Habitat Area".	Provide 50-foot setback for trail and cul-de-sac and signed exclusionary fencing.	During project grading and construction.	Nipomo Community Services District.
	24. Any required nighttime park lighting shall be shielded away from adjacent wildlife habitat areas of Nipomo Creek and pointed downward to minimize light and glare impacts on wildlife.	Shield nighttime lighting.	During project grading and construction.	Nipomo Community Services District.
	25. In the event that a storm water drop inlet is required along the cul-de-sac turnaround to Nipomo Creek, the appropriate regulatory agency permits shall be obtained prior to installation (e.g., CDFG, RWQCB, Corps, etc.). As necessary, impacted areas due to installation of the storm drainage system shall be mitigated per agency permit requirements. Lastly, all drop inlets shall contain appropriate oil/water separators per current regulatory standards for protection of water quality.	Secure permits for any required storm water drop inlets	Prior to and during project grading and construction.	Nipomo Community Services District.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
Utilities				
The proposed project will result in short-term landform alteration during project construction which could potentially alter the composition of surface runoff. This may degrade downstream water quality within the adjacent Nipomo Creek tributary.	26. Prior to the issuance of grading permits, a detailed Drainage and Erosion Control Plan shall be submitted to the County of San Luis Obispo for review and approval. These plans shall maintain the existing site drainage patterns to the greatest extent feasible with drainage flows during project construction directed to an on-site detention basin. The Drainage and Erosion Control Plan shall include, but may not be limited to, the following elements: a. In order to avoid erosion at drainage discharge locations during project construction, erosion control devices such as temporary berms, culverts, sandbagging or detention basins will be provided where necessary. b. Drainage from areas disturbed by project grading shall be directed to an on-site detention basin.	Prepare a detailed Drainage and Erosion Control Plan to maintain existing on-site drainage patterns to the greatest extent feasible.	Prior to and during project grading and construction.	County of San Luis Obispo and the Nipomo Community Services District.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
The proposed project will generate demand for water for irrigation, drinking purposes and the proposed restrooms.	27. In accordance with the Uniform Plumbing Code, ultra low-flow toilets (1.28 gallons per flush) shall be installed within the proposed restrooms.	Install low-flow toilets in restrooms.	During project grading and construction.	Nipomo Community Services District.
	28. The proposed project shall, where possible, utilize efficient irrigation systems which minimize surface runoff and evaporation and maximize the water which will reach plant roots.	Provide efficient irrigation systems.	During project grading and construction.	Nipomo Community Services District.
	29. All landscape plans shall reflect the following water conservation methods: landscape with low water consuming plants; group plants with similar irrigation requirements to reduce over-irrigation; use of mulch in order to improve the water holding capacity of the soil by reducing evaporation and soil compaction and installation of efficient irrigation systems that minimize runoff and evaporation and maximize the amount of water that will reach the plant roots. Drip irrigation, soil moisture sensors and automatic irrigation systems also represent methods of increasing irrigation efficiency.	Reflect water conservation methods in landscape plans	Prior to and during project grading and construction.	Nipomo Community Services District.
Aesthetics				
The proposed project will include the provision of lighting which may potentially result in the generation of additional light and glare.	30. Prior to the issuance of building permits, a detailed Exterior Lighting Plan shall be submitted to the County of San Luis Obispo for review and approval. This plan shall specify the following: a. All lighting fixtures shall have low-pressure sodium vapor lamps or other lighting under 4050 lumens and shall be directed downward and shielded so that	Submit detailed Exterior Lighting Plan to insure that all project lighting is shielded, non-reflective and directed downward. .	Prior to project grading and construction.	Nipomo Community Services District. And County of San Luis Obispo.

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	neither the lamp nor the interior reflective surface is visible from areas outside the boundaries of the project site. b. All lights, poles, fixtures and hoods shall be dark, non-reflective colors. c. With the exception of security lighting, all other lighting shall automatically turn off at night when the park is not in use. d. Security lighting shall be shielded with lighting heights no more than is absolutely necessary so as not to create glare when viewed from areas outside the boundaries of the project site. If feasible, security lighting shall be solar powered.			
Cultural Resources				
The proposed project may result in the excavation of paleontological and archaeological resources during project grading.	31. If any paleontological and/or archeological resources are encountered during project grading, a qualified paleontologist/archeologist shall be empowered to temporarily halt or redirect construction equipment while resources are evaluated and appropriate recommendations made.	Retain a qualified archaeologist/ paleontologist if cultural resources are encountered.	During project grading and construction.	Nipomo Community Services District.
The proposed project may result in the excavation of historic resources associated with the Pacific Coast Railway during project grading.	32. A qualified historic archeologist familiar with the Pacific Coast Railway history shall prepare a historic monitoring program that includes a preconstruction workshop for the construction crew.	Prepare historic resources monitoring program.	Prior to and during project grading and construction.	Nipomo Community Services District.
	33. A qualified historic archeologist shall conduct	Monitor initial	During project	Nipomo Community

POTENTIALLY SIGNIFICANT IMPACT	MITIGATION MEASURE	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
	monitoring of initial project grading. The Pacific Coast Railway Museum shall be notified and may assist in the monitoring of the initial project grading or in any assessment that may be necessary if subsurface evidence of the depot or other facilities are unearthed.	project grading.	grading and construction.	Services District.
	34. The existing Pacific Coast Railway plaque, crossing sign shall remain in place. Any remaining rails shall either: 1) remain in place or 2) be temporarily relocated as long as the rails are precisely located by a licensed surveyor and replaced in their current location	Retain existing Pacific Coast Railway plaque, sign and any remaining rails.	During project grading and construction.	Nipomo Community Services District.
	35. The design of the proposed project shall minimize subsurface disturbances and major grading of the depot area in order to avoid potential impacts to significant historic resources.	Minimize surface disturbances while grading in the depot area.	During project grading and construction.	Nipomo Community Services District.

C. Determination

It has been determined that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in this document have been added to the project.

III. PROJECT DESCRIPTION

A. PROJECT LOCATION

The proposed Miller Park Assessment District Formation and Park Construction project (to be referred to herein as either the "Miller Park project" or "proposed project") is located at the northeast corner of the intersection of Carrillo and West Tefft Streets within the unincorporated community of Nipomo. West Tefft Street runs along the southern boundary of the project site with the Pacific Coast Railway right-of-way and Carrillo Street to the west. Branch Street, which is currently a "paper street" runs along the northern site boundary with vacant land zoned Commercial to the east. The subject property also forms the entrance to the east side of the Olde Towne Design Area. The 1.4 acre project site is located approximately one-quarter mile east of Highway 101 and the Tefft Street interchange (see Figure 1, Location Map, Figure 2, Vicinity Map and Figure 3, Aerial Photograph).

B. PROJECT OBJECTIVES

The basic objective of the proposed project is to construct and operate a 1.4 acre neighborhood park which will provide additional recreational opportunities for the residents of Nipomo particularly those residing in or visiting areas within the vicinity of the proposed park site. Given its size and the nature of the proposed facilities (as described in Section III.C. Project Characteristics below), it is anticipated that a major portion of people utilizing these facilities will be residents in areas east of Highway 101 and in proximity to Tefft Street.

C. PROJECT CHARACTERISTICS

The proposed Miller Park project will contain a variety of neighborhood park facilities which are intended to facilitate its anticipated future use for individual recreation, picnics, a farmer's market and other outdoor events or activities. The proposed park facilities include a gazebo, picnic facilities, a railroad memorial, pole barn, restrooms, a pedestrian/bike path, interior paths, parking, fencing, lighting, utilities and landscaping in the form of trees, shrubs and softscape (see Figure 4, Proposed Park Facilities).

a. Gazebo

A Craftsman-style gazebo measuring approximately 30 feet in diameter will be provided which will contain interior lighting and electrical outlets. The gazebo will be located near the northwest corner of the project site and will be constructed on a two-foot high raised concrete foundation with steps and an ADA compliant ramp for access.

b. Picnic Facilities

Proposed picnic facilities will include benches and two drinking fountains. The picnic benches will be constructed of concrete with decomposed granite (DG) used as a ground surface in this area. The drinking fountains will be free standing and will include a pet pool.

c. Railroad Memorial

The existing Railroad Memorial is located at the southwest corner of the project site, at the northwest corner of the Carrillo Street/Tefft Street intersection. It currently contains signs and will be the location of a future railroad monument.

d. Pole Barn

The proposed pole barn will be approximately 20 feet wide by 80 feet long and will be designed to be suitable for public use. It will be located adjacent to the proposed parking facilities along the western site boundary and will contain interior lighting and electrical outlets. The pole barn will be constructed on a decomposed granite base with a six inch concrete band around its perimeter.

e. Veteran's Memorial

A Veteran's Memorial will be provided within the park. It is anticipated to contain flags on six flagpoles, a statue and groundcover plantings.

f. Restrooms

A 14 foot by 14 foot restroom building will be provided near the southwest corner of the park. The restroom building will have separate men's and women's facilities. The women's restroom will contain two stalls while the men's restroom will have one stall and a urinal. The restroom building will have interior lighting as well as shielded exterior lighting. The building will be constructed on a concrete foundation with water and sewer service to the building provided by the Nipomo Community Services District.

g. Pedestrian/Bike Path

A pedestrian/bike path will be constructed from the current terminus of Branch Street to the northeast corner of the park. This pedestrian/bike path is intended to provide access to areas northwest of the park. It will be comprised of a decomposed granite surface and will be lined on both sides with a two rail fence in order to keep trail users on the path and to protect adjacent open space areas

h. Interior Paths

Within the park area, six-foot wide paths will be incorporated into the design in order to provide access to various park facilities. A twelve-foot wide path will also be provided in order to allow restricted vehicular access to the pole barn. All paths will be comprised of decomposed granite with bender board on each side of the trail.

i. Parking

The proposed parking lot will be located along the western site boundary within the 60-foot Pacific Coast Railway right-of-way. This abandoned right-of-way will be obtained by the Nipomo Community Services District for this purpose. The parking lot will contain one row of 17 parking stalls and two travel lanes. A cul-de-sac at the far, north end of the parking lot will be provided as a turnaround for cars and emergency vehicles. Branch Street is not proposed to be extended to the proposed parking lot. The parking lot will be comprised of 8-inches of Class II base or bedrock with two paved stalls in order to comply with ADA requirements.

j. Fencing

A two rail, vinyl fence shall run along the north, west and south sides of the proposed park. Path entrances and the east side of the park will not be fenced.

k. Lighting

Lighting in the proposed park will be provided within the gazebo, the pole barn and within the interior and exterior of the restroom building.

l. Utilities

Required electrical, water and sewer service will be extended to the park in order to serve the proposed park facilities noted above.

m. Landscaping

Landscaping in the form of trees, shrubs and softscape will be provided throughout the proposed park. Trees will be installed as 24-inch box specimens. A Christmas Tree will be located near the center of the park. Electrical service will be extended to the tree in order to provide power for holiday lighting or other decorations. Lawn area (hydroseed mix) totaling approximately one-half acre will be installed throughout the park area. Space will also be provided for a 20 foot by 80 foot Memorial Rose Garden (to be provided by others) along the eastern site boundary.

D. PROJECT APPROVALS

The proposed project involves a series of approvals and discretionary actions by the Nipomo Community Services District and other involved local agencies. These actions include: the formation of an Assessment District to provide the means to fund construction and operation of the proposed park facilities; approval of a land transfer by the County of San Luis Obispo; approval of an application to activate Parks Latent Authority by the San Luis Obispo Local Agency Formation Commission; design approval and authorization to proceed with construction of the proposed park facilities and certification of the Expanded Initial Study by the Nipomo Community Services District. The proposed project will also require issuance of grading permits and building permits by the County of San Luis Obispo and obtaining the 60-foot abandoned Pacific Coast Railway right-of-way immediately west of the project site.

a. Assessment District Formation

The Nipomo Community Services District will proceed with formation of an Assessment District as a means of funding construction, operations and maintenance of the Miller Park project. The Landscape and Lighting Assessment Act of 1972 provides the District with the authority to pursue this funding mechanism. In accordance with the requirements of Proposition 218, public hearings with full public notification are required in order to form an Assessment District. Under the Landscape and Lighting Assessment Act of 1972, costs for improvements such as the installation, operations, and maintenance of a park or recreational facilities can be assessed to an established area that consists of all parcels that will benefit from such improvements.

b. Land Transfer

The 1.4 acre Miller Park site is currently under the ownership of the County of San Luis Obispo. The Nipomo Community Services District will obtain the project site from the County for use as a neighborhood park, given approval by both agencies of the terms of the land transfer.

c. Parks Latent Authority

The Nipomo Community Services District currently possesses the "latent powers" to construct, operate and maintain the proposed Miller Park project, however, such powers have not been activated. Such activation of these powers, which is subject to approval by the San Luis Obispo Local Agency Formation Commission (LAFCO), is required in order for the District to proceed with the proposed project. In accordance with sections 56824.12 56653 of the Cortese-Knox-Hertzberg Act, LAFCO will require the District to provide a plan for services which indicates the nature and extent of these proposed park facilities, the total estimated costs for these proposed improvements, a plan for financing the costs of construction, operation and maintenance of these proposed park facilities, an

indication of the description of services to be provided to the area benefiting from these services and an environmental assessment in the form of either a Negative Declaration or Environmental Impact Report for the proposed project.

d. Design Approval and Construction

The Nipomo Community Services District will oversee and ultimately approve the detailed engineering and design plans for the proposed Miller Park project, the nature and extent of which is described in Section III.C. Project Characteristics.

e. Environmental Certification

This Expanded Initial Study will evaluate the potential environmental impacts associated with the construction, operation and maintenance of the proposed Miller Park project. This Expanded Initial Study will assist the District in their consideration of whether to prepare a Negative Declaration, a Mitigated Negative Declaration or an Environmental Impact Report for this project. In the event that an EIR is required, this Initial Study will focus the EIR on the effects determined to be potentially significant, identify any impacts determined to not be significant, describe the anticipated extent of analyses within the EIR and to assist the public and other responsible agencies in their evaluation of the proposed project and their formulation of initial environmental concerns in response to the Notice of Preparation.

This Expanded Initial Study will be the final environmental document for the proposed project pursuant to CEQA requirements if a Negative Declaration or a Mitigated Negative Declaration is required. Section 15070 of the State CEQA Guidelines states that "a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when the Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment." This determination would be based upon the information and analyses contained in this Expanded Initial Study in combination with any documents incorporated by reference.

In accordance with the State CEQA Guidelines, the final environmental document will enable the Nipomo Community Services District, as lead agency, to evaluate these environmental impacts and mitigation measures in their consideration of the proposed project.

f. Building and Grading Permits

The proposed Miller Park project will require approval of building and grading plans as well as utility plans, landscape plans, etc. by the County of San Luis Obispo, Departments of Building and Planning and Public Works.

g. Right-of-Way Acquisition

The Nipomo Community Services District will obtain from the County of San Luis Obispo, a 60-foot abandoned Pacific Coast Railway right-of-way which runs along the western boundary of the project site. This area will be devoted to the proposed parking facilities.

E. PROJECT TIMING

The proposed project will be constructed in two phases. The first phase will include all required project grading as well as construction of the proposed restrooms, paths, parking lot, fencing, lighting, utilities and landscaping all of which will require three months. Other structures, including the gazebo, pole barn, railroad memorial, veteran's memorial and picnic facilities, will be constructed in the second phase which will be completed when funding for these facilities is available.

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IV. ENVIRONMENTAL SETTING

The 1.4 acre Miller Park site is located at the northeast corner of the intersection of Carrillo and West Tefft streets within the unincorporated community of Nipomo. The project site is currently vacant and is heavily vegetated with tall, dry grasses which are regularly mowed. The project site is located approximately one-quarter mile east of Highway 101 and the Tefft Street interchange.

- ***Topography***

The Miller Park project site contains nearly level to gently sloping topographic conditions with slope gradients between zero and two percent. The project area has a surface elevation of approximately 270 feet above mean sea level. Elevation changes in the area are due to smoothly eroded hills and shallow linear valleys.

- ***Geology and Soils***

The Miller Park project site is, according to the National Resource Conservation Service, underlain by silty clay loam soils which are typically found in alluvial fans and valleys. This soil type is well drained with a low potential for landslides and liquefaction with a low to moderate potential for erodability. The relatively flat nature of the project site reduces the occurrence of potentially significant erosion and sedimentation.

The project area, while located within the seismically-active Central Coast region, lies outside any fault rupture zones (formerly Special Studies zones) established by the Alquist-Priolo Act of 1972. Should a major earthquake occur in the area, significant groundshaking is expected to occur. The San Andreas Fault which runs approximately 35 miles northeast of the project site is considered the most likely to generate a major earthquake in the region in the near future. Such an earthquake is expected to produce moderate to strong ground shaking at and near the project site.

- ***Drainage***

The project site is a flat river terrace which drains to the north and northwest into a tributary of Nipomo Creek which runs along the north and northwest boundaries of the project site. The project area is located within the Nipomo Creek watershed area which contains approximately 16,318 acres. The project area east of Highway 101 is characterized by open flat areas, linear valleys and hilly knolls. Slopes generally range between zero and five percent. Drainage in the project area is conveyed by streets and underground pipes in developed areas and via sheet flow in undeveloped areas.

- ***Biological Resources***

The project site contains non-native grasses and ruderal (weedy) plant species. The project site and surrounding area contains four habitat types: coyote brush scrub, riparian scrub, ruderal (disturbed) and developed habitats. A total of 34 vascular plant species were identified within the area during the field surveys. Plants observed consisted of 10 (29 percent) native taxa and 24 (71 percent) non-native naturalized taxa. A total of 16 bird species and at least eight mammalian species were also observed during field surveys, all of which were expected to occur within the habitat types found on the project site. Given the existing vegetation and its disturbed nature, the project site has a low probability of any sensitive plant species being found in the project area.

- ***Land Use***

The project site is currently vacant and is heavily vegetated with tall, dry grasses that are regularly mowed. The site has, in the past, been used as a location for the disposal of fill material. Areas adjacent to the Miller Park site include existing residential uses immediately to the east and a mix of residential, commercial and office uses adjacent to Tefft Street and other local roadways. Approximately one-quarter mile west of the project site is Highway 101 beyond which are commercial, residential and agricultural uses.

The project site is currently designated Public Facilities by the South County Area Plan. Land use designations in areas adjacent to the project site include Commercial Retail to the west, north and east and Public Facilities, Commercial Retail and Office Professional to the south across Tefft Street from the project site.

- ***Traffic and Circulation***

Primary access to the project area is provided via State Highway 101. In the project area, Highway 101 is a four-lane freeway served by the existing interchange at Tefft Street. The local circulation system serving the project area includes Tefft Street, Carrillo Street, Branch Street, Wilson Street, Oak Glen Avenue and Thompson Avenue. With the exception of the four lanes on Tefft Street, all of these local roadways are two lane paved roads.

- ***Noise***

Ambient noise levels in the project area range from the low-30 to mid-60 dBA. Noise sources include traffic on Highway 101, automobile and truck traffic on local roadways such as Tefft Street and other less obtrusive non-urban noise sources.

- ***Climate***

The climate of San Luis Obispo County can be generally characterized as Mediterranean, with warm, dry summers and cooler, relatively damp winters with an average annual rainfall of 16 inches. Inland areas are characterized by a wide range of temperature

conditions. Maximum summertime temperatures can reach the high 90's whereas minimum winter temperatures range to the low 20's.

- ***Public Services and Utilities***

Law enforcement services for the Nipomo area are provided by the County of San Luis Obispo, Sheriff's Department from their Oceano Substation in Oceano. The Oceano Substation has an allocation of 23 patrol deputies and one commander. The Nipomo area is patrolled by vehicle. Fire protection and emergency response services for the Nipomo area are currently provided by the CalFire/San Luis Obispo County Fire Department. The Nipomo Station 20, located at 450 Pioneer Street in Nipomo (at the corner of Oak Glen Avenue and Pioneer Street near Tefft Street), would be the first station to participate in any fire or emergency response. This station is equipped with two wildland fire engines (used during the dry season), one Schedule A (on-road) fire engine and a CDF bulldozer. The Department also has a hazardous materials specialist.

The Nipomo area is situated within the service boundaries of the Southern California Gas Company for natural gas service and Pacific Gas and Electric Company for electrical service. Existing underground natural gas and electrical mains are located throughout the project area that provide utility services to developed land uses. The Nipomo area is provided communications services from Pacific Bell and Charter Communications.

The project area is located within the Nipomo Community Services District which provides wastewater treatment, water supply, storm drainage, retention basins and lighting services in select portions of the Nipomo area.

- ***Cultural Resources***

Site surveys uncovered pieces of historical glass, white porcelain fragments, modern metal fragments and shell fragments including Pismo clam shell fragments. Also noted were three small fragments of banded Monterey chert. No prehistoric or significant historic cultural fragments were observed on the 1.4 acre project site, however, the adjacent Pacific Coast Railway right-of-way immediately west of the site is considered to be a significant cultural resource due to the fact that the project site is shown on historic maps as containing a depot for the Pacific Coast Railway. The Nipomo area contains more square meters of light density cultural deposits than any other area in southern San Luis Obispo County. Surveys conducted along the south, west and north sides of Nipomo Mesa have recorded many archaeological sites along the edge of the mesa but very few in the interior.

V. ENVIRONMENTAL EVALUATION

The following pages contain a checklist based on the format presented in the State CEQA Guidelines. The checklist was used to identify physical changes in the environment which may result from implementation of the proposed project. Impact assessments result in the determination of either "No Impact," "Less-Than-Significant Impact," "Potentially Significant Unless Mitigation Incorporated" or "Potentially Significant Impact."

The determination of "No Impact" applies where the impact is not applicable to the project under consideration. For example, if the project site is not located proximate to areas of volcanic activity then the item asking whether the project would result in or expose people to potential impacts involving volcanic hazards should be marked as "no impact."

The determination of "Less-Than-Significant Impact" applies where the impact would occur, but the magnitude of the impact is considered insignificant or negligible. For example, a development which would only slightly increase the amount of surface water runoff generated at a project site would be considered to have a less-than-significant impact on surface water runoff.

"Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact." Incorporated mitigation measures are noted within the summary discussion immediately following the checklist item with a detailed discussion of the mitigation measure and how it reduces the impact to a less-than-significant level provided in Section VI. Impacts and Mitigation Measures of this Expanded Initial Study. This designation is appropriate for a Mitigated Negative Declaration, where potentially significant issues have been analyzed and mitigation measures have been recommended.

The determination of "Potentially Significant Impact" applies where the project impact has the potential to cause a significant environmental impact and there are not sufficient mitigations available to reduce these impacts to a less than significant level. If there are one or more items remaining as "Potentially Significant Impact," on the checklist, an EIR is required.

In many cases, potential project impacts are identified as "no impact" or "less-than-significant impact." The summary discussion following the checklist item provides the basis for this determination. Checklist items identified as "potentially significant unless mitigation incorporated" or "potentially significant impact" are discussed in greater detail in Section VI. Impacts and Mitigation Measures of this Expanded Initial Study.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
I.	LAND USE AND PLANNING. Would the proposal:				
	a) Conflict with general plan designation or zoning?	☐	☐	☐	☒
	b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?	☐	☐	☐	☒
	c) Be incompatible with existing land use in the vicinity?	☐	☐	☒	☐
	d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands or impacts from incompatible land uses)?	☐	☐	☐	☒
	e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	☐	☐	☐	☒

Substantiation:

a. No Impact. The project site is currently designated Public Facilities by the South County Area Plan. As such, the proposed Miller Park project does not involve any required amendments to the South County Area Plan, Inland or any other Elements of the County General Plan and does not require any changes to existing zoning

b. No Impact. The proposed project would not conflict with any environmental plans or policies adopted by agencies with jurisdiction over the project area. Environmental plans which apply to the project area include the South County Area Plan, Inland or other Elements of the County General Plan or other long-range planning documents. Since the proposed project conforms to the current County General Plan, the proposed project does not conflict with the APCD Clean Air Plan. The proposed project will not conflict with the Commercial Retail, Public Facility and Office Professional land use designations applied to areas adjacent to the project site.

c. Less-Than-Significant Impact. The area in which the proposed project occurs is devoted to residential, commercial, office, agricultural or vacant open space uses. The proposed project may represent a short-term conflict with existing residential land uses east and south of the project site during construction activities. Impacts to adjacent residents due to temporary and limited construction activities are considered to be short-term and less than significant.

d. No Impact. The proposed project is not adjacent to or in the immediate vicinity of agricultural farmlands. Agricultural activities including grading, discing or spraying will not affect the project site. Since project construction activities will be confined to

the project site, they are not expected to affect agricultural-related traffic ingress/egress. As such, little in the way of impact to ongoing agricultural operations is expected due to the proposed project.

e. No Impact. The limited extent of the proposed project insures that the proposed project will not divide any established community.

Sources: South County Area Plan, Inland; County of San Luis Obispo, General Plan and APCD Clean Air Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
II.	POPULATION AND HOUSING. Would the proposal:				
	a) Cumulatively exceed official regional or local population projections?	☐	☐	☐	☒
	b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☐	☒
	c) Displace existing housing, especially affordable housing?	☐	☐	☐	☒

Substantiation:

a. No Impact. The proposed Miller Park project will not directly generate any new population or housing thereby not exceeding any regional or local growth projections.

b. No Impact. The proposed project involves the provision of additional recreation facilities within the Nipomo community. As such, the proposed project will not induce, either directly or indirectly, substantial population or housing growth in the area.

c. No Impact. The proposed project will not displace any existing housing.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
III.	GEOLOGICAL PROBLEMS. Would the proposal result in or expose people to potential impacts involving:				
	a) Fault rupture?	☐	☐	☒	☐
	b) Seismic ground shaking?	☐	☐	☒	☐
	c) Seismic ground failure, including liquefaction?	☐	☐	☒	☐
	d) Seiche, tsunami, or volcanic hazard?	☐	☐	☐	☒
	e) Landslides or mudflows?	☐	☐	☐	☒
	f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	☐	☐	☒	☐
	g) Subsidence of the land?	☐	☐	☒	☐
	h) Expansive soils?	☐	☐	☒	☐
	i) Unique geologic or physical features?	☐	☐	☐	☒

Substantiation:

a. Less-Than-Significant Impact. The project area lies outside any fault rupture zones established by the Alquist-Priolo Act of 1972. Should a major earthquake occur in the area, significant groundshaking is expected to occur. Since the project area is not located within the boundaries of a special studies zone and no active faults are known to pass through the area, surface fault rupture in the areas devoted to project facilities is considered unlikely. As such, impacts due to fault rupture in the project area are considered less than significant.

b. Less-Than-Significant Impact. The San Andreas Fault is considered the most likely source of a major earthquake in the region. Such an earthquake is expected to produce moderate to strong ground shaking in the region. The application of standard construction techniques contained in the most recent version of the Uniform Building Code will be applied to the proposed pole barn, gazebo and restroom structures and will reduce potential seismic hazards to less than significant levels.

c. Less-Than-Significant Impact. Due to the seismic and geologic conditions as currently known, the potential for secondary seismic hazards in the project area is considered to be low. The project site is, according to the National Resource Conservation Service, underlain by silty, clay loam soils which are typically found in alluvial fans and valleys. This soil type is well-drained with a low potential for adverse soil conditions. Given these conditions, liquefaction potential is considered to be

unlikely due to the grain size and density of natural soils and the anticipated compaction of the surficial soils. Potential liquefaction hazards are, therefore, considered less than significant.

d. No Impact. Tsunamis and seiches do not pose hazards due to the inland location and lack of bodies of standing water in the project area. No areas of known volcanic activity are in proximity to the project area. No impacts regarding seiches, tsunamis or volcanic hazards have been identified.

e. No Impact. Terrain within undeveloped portions of the project site is nearly level with slope gradients between zero and two percent. The proposed project site occurs in an area of level terrain thereby eliminating the potential for landslides or mudflows.

f. Less-Than-Significant Impact. The Natural Resource Conservation Service Soil Survey identifies the potential erodibility of soil types in the project area to be low to moderate. Given the soil type and relatively level terrain on the project site, potential erosion and sedimentation impacts are considered to be less than significant.

g. Less-Than-Significant Impact. The potential for seismically-induced settlement to impact project facilities is low due to the density of underlying earth materials and the anticipated compaction of near surface soils during construction of project facilities.

h. Less-Than-Significant Impact. The potential for expansive soils to impact project facilities is low due to the density of underlying earth materials and the anticipated compaction of surface soils during construction of project facilities.

i. No Impact. The project site does not contain any unique or geological features that would be impacted by development of the proposed project.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
IV.	WATER. Would the proposal result in:				
	a) Changes in absorption rates, drainage patterns or the rate and amount of surface runoff?	☐	☐	☒	☐
	b) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?	☐	☒	☐	☐
	c) Changes in the amount of surface water in any water body?	☐	☐	☒	☐
	d) Changes in currents or the course or direction of water movements?	☐	☐	☒	☐

e) Change in the quantity of ground waters, either through direct additions or withdrawls, or through interception of an aquifer by cuts or excavations or through substantial loss of ground water recharge?	☐	☐	☒	☐
f) Altered direction or rate of flow of groundwater?	☐	☐	☐	☒
g) Impacts to groundwater quality?	☐	☐	☐	☒
h) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	☐	☐	☐	☒

Substantiation:

a. Less-Than-Significant-Impact. The proposed Miller Park project will result in the addition of approximately 1,700 square feet or 0.04 acres of impervious surfaces within the proposed gazebo, restroom building and two handicapped parking stalls. These proposed park facilities will not result in a significant alteration of existing drainage patterns. Potential impacts related to changes in absorption rates, drainage patterns or the rate and amount of surface runoff are considered to be less than significant.

b. Potentially Significant Unless Mitigation Incorporated. The proposed project will result in short-term landform alteration during project construction which could potentially alter the composition of surface runoff. Project construction activities may temporarily alter the composition of surface runoff through the grading of ground surfaces which will total a maximum of 1.4 acres. This runoff could, without proper mitigation, contribute to the incremental degradation of downstream water quality particularly within the adjacent tributary to Nipomo Creek which runs along the northern and northwestern boundaries of the project site. Erosion of graded areas and discharge of sediment to downstream areas could occur if project grading operations occur during the wet season or if adequate detention or erosion control facilities are not constructed. These potentially significant impacts can be mitigated to an insignificant level through the provision of adequate erosion control measures at points of drainage discharge and directing of all project drainage during project construction to an on-site detention basin (see Section VI. Impacts and Mitigation Measures).

c. Less-Than-Significant Impact. A tributary to Nipomo Creek runs along the northern and northwestern boundaries of the project site. This tributary does not, during much of the year, contain any standing water body. Given its usually dry condition and the relatively level nature of the project site, coupled with the fact that project construction will not occur within 50 feet from the top of the bank of this tributary streambed (see Section VII. Biological Resources), changes in the amount of surface water in any water body downstream of the proposed project facilities are considered to be less than significant.

d. Less-Than-Significant Impact. Although the tributary to Nipomo Creek runs along the northern and northwestern boundaries of the project site, project construction will not occur within 50 feet from the top of the tributary streambed (see Section VII. Biological Resources). Given the relatively level nature of the project site, little in the way of site runoff is expected to enter this tributary streambed. Therefore, changes in the currents or the course or direction of water movement are considered to be less than significant.

e. Less-Than-Significant Impact. The proposed project will not involve the withdrawal of groundwater or grading that would intercept any groundwater aquifers, thereby not affecting existing groundwater supplies. Since the proposed project will not result in the addition of a significant amount of impervious surfaces (approximately 1,700 square feet), the potential loss of groundwater recharge is considered to be less than significant.

f. No Impact. The proposed project will not involve the direct withdrawal of groundwater and will not alter the direction or rate of flow of groundwater.

g. No Impact. The proposed project will not involve the direct withdrawal of groundwater and will not impact groundwater quality.

h. No Impact. The proposed project will not involve the direct withdrawal of groundwater which would otherwise be available for public use.

Sources: South County Area Plan, Inland

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
V.	AIR QUALITY. Would the proposal:				
	a) Violate any air quality standard or contribute to an existing or projected air quality violation?	☐	☒	☐	☐
	b) Expose sensitive receptors to pollutants?	☐	☐	☒	☐
	c) Alter air movement, moisture or temperature or cause any change in climate?	☐	☐	☐	☒
	d) Create objectionable odors?	☐	☐	☒	☐

Substantiation:

a. Potentially Significant Unless Mitigation Incorporated. Temporary air quality impacts will result from project construction activities. Fugitive dust will be generated during grading required for the proposed Miller Park project facilities. Peak periods of

grading will result in the greatest levels of air pollution emissions. A relatively small area (approximately 1.4 acres) will be disturbed by project development. The air pollutant emissions generated during these site preparation activities will fall well below the SCAQMD significance thresholds. As a rule, any project that exceeds 4.0 acres of continuously graded area will exceed the San Luis Obispo Air Pollution Control District thresholds for the generation of particulate matter. Although the proposed project involves significantly less than four acres of continuous grading, thereby not exceeding the APCD thresholds for generation of fugitive dust, the APCD requires implementation of a variety of dust control measures including watering of graded surfaces and dirt stockpiles, planting and/or stabilization of disturbed soil areas, covering of hauling trucks and street sweeping at the end of each construction day (see Section VI. Impacts and Mitigation Measures.)

Air pollutants will also be generated by the operation of construction equipment and by construction personnel traveling to and from the project site. These remaining elements of project construction will generate significantly lower emissions than grading which will result in less than significant air quality impacts. Since traffic in the project area will not be impacted by the proposed project, the potential for local air quality impacts (i.e. air pollutant concentrations near intersections) will be less than significant.

Global Climate Change/Greenhouse Gas Emissions

The California Air Resources Board (CARB) is the lead agency for implementing AB 32 the California Global Warming Solutions Act of 2006. In October 2008, CARB published a Proposed Scoping Plan, in coordination with the Climate Action Team (CAT), to establish a comprehensive set of actions designed to reduce overall greenhouse gas emissions in California. The measures in the Scoping Plan approved by CARB will be developed over the next two years and will be in place by 2020. Significant progress can be made toward the 2020 goal which includes improving existing technologies and the efficiency of energy use. Other solutions involve improving the State's infrastructure, transitioning to cleaner and more secure sources of energy and adopting 21st century land use planning and development practices.

To meet the 1990 target established by CARB 32, CARB recommends a de minimis (minimal importance) emission threshold of 0.1 million metric tons annually (100,000 MT per year) of carbon dioxide per transportation source category. Source categories whose total aggregated emissions are below this level are not proposed for emission reduction requirements in the Scoping Plan. In addition to the Proposed Scoping Plan, CARB released the Preliminary Draft Staff Proposal on October 24, 2008 with the objective of developing interim significant thresholds for commercial and residential projects. CARB has proposed a threshold of 7,000 annual MT for industrial operational sources. However, the Staff Proposal has not yet defined or developed thresholds applicable to residential, commercial sources or recreational land uses.

Short-term emissions resulting from project construction will generate emissions which may contribute to global climate change. The primary source of greenhouse gas emissions (primarily carbon dioxide) generated by construction activities is from the use of diesel-powered construction equipment and other combustion sources (i.e., generators, worker vehicles, materials delivery, etc.). It is estimated that project construction activities will generate a total of 1.97 metric tons of greenhouse gases over the entire project construction period of approximately three months. Of this total, a maximum of 0.92 metric tons of carbon dioxide will be generated during grading, 0.56 metric tons during building construction and 0.49 metric tons for paving.

The primary source of long-term greenhouse gas emissions from the proposed project will be generated by motor vehicles. Motor vehicles emissions will be generated by the 52.66 vehicle trips per day associated with the proposed project. Based upon a "worst-case" average trip length of 5.0 miles, a total of 263.3 vehicle miles per day will be generated. (This total does not reflect the reduction of vehicle miles due to the provision of a local park in an area where current residents must drive farther to find park facilities). This worst-case total of vehicle miles travelled is estimated to generate 20.6 metric tons per year.

Both the short and long-term generation of greenhouse gas emissions associated with the proposed project fall well below the preliminary thresholds developed by the California Air Resources Board. The emissions generated by this project will contribute a miniscule amount to overall global climate change. By way of comparison, based upon global data from the United Nations, the proposed project is estimated to contribute approximately 0.000000056% to the GHG burden for the planet. When compared to California's GHG emissions, the contribution from the proposed project is estimated to be 0.0000004% of 2004 California emissions. Therefore, impacts associated with the generation of greenhouse gas emissions from the proposed project are considered to be less than significant.

b. *Less-Than-Significant Impact.* Given the lack of significant short- or long-term air pollutant generation associated with the proposed project, the potential for exposure of sensitive receptors to air pollutants is considered to be less than significant.

c. *No Impact.* The proposed project will not alter air movement, moisture, temperature or cause a change in climate.

d. *Less-Than-Significant Impact.* The proposed project will not create objectionable odors that would significantly impact adjacent properties. Any localized odors associated with project construction and ongoing project operations will be confined to the project site.

Sources: San Luis Obispo County Air Quality Management District, Clean Air Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VI.	TRANSPORTATION/CIRCULATION. Would the proposal result in:				
	a) Increased vehicle trips or traffic congestion?	☐	☐	☒	☐
	b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☒	☐	☐
	c) Inadequate emergency access or access to nearby uses?	☐	☐	☐	☒
	d) Insufficient parking capacity on-site or off-site?	☐	☐	☒	☐
	e) Hazards or barriers for pedestrians or bicyclists?	☐	☒	☐	☐
	f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒
	g) Rail, waterborne or air traffic impacts?	☐	☐	☐	☒

Substantiation:

a. Less-Than-Significant Impact. The proposed Miller Park project will generate a minor amount of traffic during construction activities. The traffic generated by project construction activities will involve automobile trips associated with worker commutes, haul trucks and construction equipment. It is estimated that project construction activities will involve the following equipment and vehicles: a small grader/backhoe/tractor, a haul truck and four employee vehicles which will generate an estimated 12 vehicle trips per day. In addition, equipment/material deliveries are estimated to generate an additional six deliveries or twelve vehicle trips per day. This level of construction activity is anticipated to generate a total of 24 vehicle trips per day and a maximum of 12 peak hour vehicle trips. This construction-related traffic generation will not significantly impact existing daily or peak hour traffic levels on Tefft Street or the Highway 101/Tefft Street interchange. This potential traffic and circulation impact with project construction activities is considered to be short-term and less than significant.

Long-term operation and maintenance of the proposed park facilities will generate a total of 52.66 daily vehicle trips. Based upon Institute of Transportation Engineers factors for "City Parks," smaller recreation facilities will generate 16.0 daily vehicle trips per picnic site (four sites or 23.5 vehicle trips) and 4.83 employee/maintenance trips per acre per day (6.76 vehicle trips). Of this total, approximately five vehicle trips will be peak hour trips (3.60 peak hour trips per acre). These additional peak hour

vehicle trips (one vehicle every twelve minutes) will not significantly impact traffic and circulation conditions or local roadways.

On occasion, the Miller Park facilities will be utilized for a farmer's market or other outdoor events or activities. These activities will generate higher levels of vehicular traffic than the typical levels noted above. However, these activities are expected to occur on weekends or in the evenings which will not conflict with or add to morning or evening weekday peak hour traffic levels

b. Potentially Significant Unless Mitigation Incorporated. Project construction activities will be largely confined to the project site. However, the temporary diversion of automobile traffic along Tefft Street at the project entrance may occasionally be necessary during project construction. This potential impact, without proper traffic control, may represent a hazard to existing automobile traffic in adjacent areas particularly along Tefft Street. This potentially significant impact can be mitigated to an insignificant level through the provision of adequate signage, barriers and/or, if necessary, flagmen in order to insure the safe diversion of traffic and the scheduling of construction vehicle trips during non-peak hours (see Section VI. Impacts and Mitigation Measures).

c. No Impact. Project construction activities will not block or impede access to adjacent properties. No impacts to emergency access or access to adjacent uses are anticipated.

d. Less-Than-Significant Impact. The proposed project will not result in the loss of any available parking on roadways since project construction activities will be largely confined within the project site. The proposed project includes provision of a total of 17 parking spaces which is expected to handle demands for parking generated by long-term operations of the proposed park facilities.

Additional vehicular traffic will be generated when the Miller Park facilities are utilized for farmer's market or other outdoor event or activity. Such occasional activities may require additional parking beyond the 17 parking stalls to be provided any may result in the utilization of available parking in areas adjacent to the project site such as along Tefft Street where an additional 18 public parking stalls are provided or along other local roadways. Given the occasional nature of these activities, impacts to existing parking are considered to be less than significant.

e. Potentially Significant Unless Mitigation Incorporated. The proposed project may result in the temporary diversion of pedestrians and bicyclists on Tefft Street at the project entrance during construction. This potentially significant impact can be mitigated to an insignificant level through the provision of adequate signage, barriers and/or, if necessary, flagmen in order to insure a safe diversion of pedestrians and bicyclists (see Section VI. Impacts and Mitigation Measures).

f. No Impact. The proposed project will not conflict with any adopted alternative transportation polices.

g. No Impact. The proposed project will not impact any existing rail, waterborne or air traffic operations.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan and the Institute of Transportation Engineers Trip Generation Factors (8th Edition)

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VII.	BIOLOGICAL RESOURCES. Would the proposal result in impacts to:				
	a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	☐	☒	☐	☐
	b) Locally designated species (e.g., heritage trees)?	☐	☐	☐	☒
	c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	☐	☐	☐	☒
	d) Wetland habitat (e.g., marsh, riparian and vernal pool)?	☐	☒	☐	☐
	e) Wildlife dispersal or migration corridors?	☐	☒	☐	☐
	f) Adopted conservation plans and policies (e.g., Resource Management Plan)?	☐	☐	☐	☒

The following discussion of biological resource impacts is based upon the "Biological Resources Survey Report, Proposed Miller Park, Nipomo Community Services District, Nipomo, California" dated June, 2009 and prepared by Padre Associates, Inc. This assessment is included in its entirety as Technical Appendix A of this Expanded Initial Study.

Substantiation:

a. Potentially Significant Unless Mitigation Incorporated. The 1.4 acre project site primarily contains non-native grasses and ruderal (weedy) plant species. The project site and surrounding area contains four habitat types: coyote brush scrub, riparian scrub, ruderal (disturbed) and developed habitats. A total of 34 vascular plant species were identified within the area during the field surveys. Plants observed consisted of ten (29 percent) native taxa and 24 (71 percent) non-native naturalized taxa. No special-status plant species were observed within the project area during the May, 2009 site surveys. Given the existing vegetation and its disturbed nature, the project site has a low probability of any sensitive plant species being found on the project site.

A total of 16 bird species and at least eight mammalian species were observed during field surveys, all of which were expected to occur within the habitat types found on the project site. Coyote brush and riparian areas within and adjacent to the project provide nesting and foraging habitat for a variety of smaller bird species as well as foraging habitat for raptors. Birds observed or expected to occur in association with coyote brush and mixed riparian habitat include but are not limited to the following common bird species: Scrub jay, Golden crowned sparrow, Spotted towhee, California towhee, Song sparrow, Bushtit, Bewick's wren, House finch, California thrasher, Red shouldered hawk, Pacific slope flycatcher, Lesser goldfinch, and Red-tailed hawk. Birds expected to occur within ruderal/disturbed areas include Brewer's blackbird, European starling and the Northern mockingbird.

No active bird nests were identified within the project site or adjacent areas during the field survey; however, the Nipomo Creek tributary area may provide suitable nesting habitat for a variety of bird species.

Coyote brush habitat provides shade and shelter for several reptilian species. Western fence lizard, a common reptile species, was the single reptile species observed during the field survey. Other common reptiles expected to occur within this habitat include, but are not limited to, common garter snake, Pacific gopher snake and western rattlesnake.

Mammalian species observed and/or expected to occur within the habitat include the following common species: desert cottontail, black-tailed jackrabbit, long-tailed weasel, coyote, black-tailed deer, California ground squirrel, western gray squirrel, and other small rodents.

Since the Nipomo Creek tributary adjacent to the project site was dry at the time of the field survey (May, 2009), no fish or amphibian species were observed. However, the adjacent Nipomo Creek tributary area provides suitable habitat conditions for California red-legged frog (CRLF), a Federally listed threatened species and a California species of special concern, southwestern pond turtle, a Federally listed species of special concern and a California species of special concern, and western spadefoot during periods of sufficient flow (i.e., seasonal rainfall).

Special-status wildlife species associated with coastal and/or marine habitats located west of the project site (e.g., Brown pelican, Western snowy plover, Tidewater goby and California least tern) were not observed during the field surveys and are not expected to occur within the site due to the lack of suitable habitat. In addition, non-coastal species such as California condor and yellow billed cuckoo would not occur within the area due to lack of suitable habitat (e.g., mountainous savannahs, well-developed riparian forest).

Four sensitive plant communities are known to occur within the region including central dune scrub, central foredunes, coastal and valley freshwater marsh and southern vernal pool. None of these sensitive habitats occur within the area of the project site. Although components of native perennial grassland (i.e., purple needlegrass) exist within the project site, the individual plants are scattered (non-contiguous) from past disturbance and do not represent an intact sensitive plant community.

Plant communities existing within and along the perimeter of the project site have been previously disturbed by past land uses (e.g., clearing and grading, long-term dust impacts, etc.). Although portions may be intact, the habitat value of these plant communities has been substantially reduced due to fragmentation, introduction of non-native vegetation and ongoing disturbance. However, the proposed project includes the installation of multiple lawn areas, ornamental plantings, decomposed granite walkways, a creek sidewalk/bike trail, fencing, pole barn, gazebo, restroom, parking lot and a cul-de-sac turnaround. Ultimate construction of these facilities/structures would result in the permanent loss of a small portion of coyote brush scrub habitat (<0.5-acre).

Loss of non-native, ruderal habitat areas is not considered a significant impact to wildlife because it supports a relatively low density and diversity of wildlife species. Although coyote brush scrub provides moderate foraging and nesting habitat for wildlife species, it is not considered a sensitive plant community. Therefore, the permanent loss of coyote brush scrub associated with the proposed project is not considered a significant impact.

Noise, dust and vehicle operation generated by construction activities may disrupt foraging activities of some wildlife within the boundaries of the project site and immediate vicinity. Although highly mobile wildlife species (e.g., birds) would be expected to avoid the area undergoing construction, these activities may result in mortality of less mobile species, particularly, fossorial (ground-dwelling) species. Overall, due to the current level of disturbance within the project site, the limited number of wildlife species occurring within the area and the availability of suitable habitat in the region, impacts to general wildlife are expected to be less than significant. However, the proposed project has the potential to result in temporary impacts to nesting birds which are protected under the Migratory Bird Treaty Act (MBTA) and the Coast horned lizard. These potentially significant impacts can be mitigated to an insignificant level through the avoidance of construction during the bird nesting season or through conducting pre-construction surveys during the nesting season as well as conducting a worker orientation program to minimize impacts to sensitive species (see Section VI. Impacts and Mitigation Measures).

The proposed project may also indirectly impact the riparian community and in-stream habitat of the adjacent Nipomo Creek tributary which runs along the northern and northwestern boundaries of the project site (see Item VII.d. below).

b. No Impact. The 1.4 acre project site does not contain any locally designated species such as heritage trees. The proposed project will not, therefore, impact any locally designated species.

c. No Impact. The project site primarily consists of non-native grasses and ruderal (weedy) plant species. As previously noted, the four sensitive plant communities known to occur within the region, coastal dune scrub, central foredunes, coastal and valley freshwater marsh and southern vernal pool, do not occur within the project site boundaries. Given the nature and extent of existing on-site vegetation and the relatively small area disturbed by project construction, the proposed project will not significantly impact any locally designated natural plant communities such as oak forests or coastal habitats.

d. Potentially Significant Unless Mitigation Incorporated. The proposed project may indirectly impact the riparian scrub community and in-stream habitat of the adjacent Nipomo Creek tributary which runs along the northern and northwestern boundary of the project site. Short-term construction activities have the potential to result in secondary impacts (i.e., habitat disturbance, sedimentation impacts, etc.) to the adjacent Nipomo Creek tributary riparian corridor and associated special-status species, such as the Coast horned lizard, nesting birds, the Califonia red-legged frog (CRLF) and Southwestern pond turtle.

Long-term impacts of the proposed project have the potential to result in future degradation of the riparian scrub habitat in the adjacent Nipomo Creek tributary. While the proposed project will not directly impact the existing creek channel, the proposed pedestrian/bike trail would provide direct public access to the creek corridor which may result in secondary impacts (i.e., wildlife harassment, habitat disturbance, etc.) to sensitive habitat areas. Further, construction of the proposed cul-de-sac turnaround has the potential to result in direct, permanent impacts to the existing riparian scrub habitat of Nipomo Creek and long-term secondary impacts to in-stream water quality due to storm water runoff. Lastly, proposed park landscaping has the potential to result in the introduction of non-native, invasive plant species to the riparian corridor of Nipomo Creek and surrounding areas (e.g., periwinkle, German ivy, etc.).

Therefore, short-term construction activities and long-term future public use of proposed park facilities (i.e., increased human activity) have the potential to result in both short-term and long term impacts to riparian scrub and in-stream habitat of the adjacent Nipomo Creek tributary and associated special-status species that occur in this area.

These potentially significant impacts can be mitigated to an insignificant level through conducting pre-construction surveys; establishment of equipment staging and crew parking areas; provision of exclusionary fencing; washing, refueling and maintaining construction equipment in designated areas; inspection of construction equipment; litter control; conducting biological monitoring and a worker orientation program; provision of a 50-foot setback from the Nipomo Creek tributary channel; provision of landscape plans that emphasize the use of native, non-invasive plants; provision of signed, exclusionary fencing; shielding of nighttime lighting and the preparation or erosion control, stormwater prevention, spill contingency and stormwater runoff water quality protection plans (see Section VI. Impacts and Mitigation Measures).

e. Potentially Significant Unless Mitigation Incorporated. Wildlife migration corridors are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Migration corridors may be local, such as those between foraging and nesting/denning areas, or they may be regional in nature. "Habitat linkages" are migration corridors that contain contiguous strips of native vegetation between source and receiver areas. Habitat linkages provide cover and forage sufficient for temporary inhabitation by a variety of ground-dwelling animal species. Wildlife migration corridors are essential to the regional fitness of an area as they provide avenues of genetic exchange and allow animals to access alternative territories as fluctuating dispersal pressures dictate.

An important wildlife migration corridor is present within the Nipomo Creek tributary channel which runs along the northern and northwestern boundaries of the proposed project. The wildlife habitat value within the creek corridor is considered moderate due to its importance in maintaining continuity with riparian habitats upstream and downstream of the project site. As noted above in Item VII.d., construction activities and public use of the proposed park facilities have the potential to result in both short-term and long-term impacts to the riparian scrub and in-stream habitat of the adjacent Nipomo Creek tributary, an important wildlife migration corridor. These potentially significant impacts can be mitigated to an insignificant level through the provision of a 50-foot setback from the Nipomo Creek tributary channel; provision of landscape plans that emphasize the use of native, non-invasive plant species; provision of signed exclusionary fencing; shielding of nighttime lighting and the preparation of erosion control, stormwater prevention, spill contingency and stormwater runoff water quality protection plans (see Section VI. Impacts and Mitigation Measures).

f. No Impact. The proposed project does not conflict with any adopted conservation or wildlife management plans.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VIII.	ENERGY AND MINERAL RESOURCES. Would the proposal:				
	a) Conflict with adopted energy conservation plans?	☐	☐	☐	☒
	b) Use non-renewable resources in a wasteful and inefficient manner?	☐	☐	☒	☐
	c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	☐	☐	☐	☒

Substantiation:

a. No Impact. The proposed project will conform with all applicable State and local energy conservation requirements enforced by the County of San Luis Obispo and the Nipomo Community Services District. No impacts regarding any conflict with adopted energy conservation programs have been identified.

b. Less-Than-Significant Impact. Project construction activities will require the use of nonrenewable liquid fuels including diesel and gasoline to operate construction equipment. Fuel consumption will be minimized wherever possible during construction operations. Operation of project facilities will consume relatively small amounts of electricity. The proposed project is not anticipated to result in the use of non-renewable resources in a wasteful or inefficient manner. Impacts upon non-renewable resources are considered less than significant.

c. No Impact. There are no known mineral resources within the project area. The proposed project should have no impact regarding availability of a known mineral resource that would be of future value to the region and the residents of the State.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
IX.	HAZARDS. Would the proposal involve:				
	a) A risk of accidental explosion or release of hazardous substances (including but not limited to: oil, pesticides, chemicals or radiation?	☐	☐	☐	☒
	b) Possible interference with an emergency response plan or emergency evacuation	☐	☐	☐	☒

plan?				
c) The creation of any health hazard or potential health hazard?	☐	☐	☒	☐
d) Exposure of people to existing sources of potential health hazards?	☐	☐	☒	☐
e) Increased fire hazard in area with flammable brush, grass, or trees?	☐	☐	☒	☐

Substantiation:

a. No Impact. The project site is currently vacant and does not contain any hazardous substances such as oil, pesticides, chemicals or radiation. Given the anticipated public use of the proposed park facilities, project construction, operation and maintenance will not involve any materials which will generate the risk of accidental explosion or the release of hazardous substances.

b. No Impact. Since project construction activities will be confined to the project site, the proposed project will not interfere with any emergency response or evacuation plan.

c. Less-Than-Significant Impact. Current safety regulations governing the construction and operation of the proposed park facilities will reduce the potential for creation of health hazards to a level of insignificance.

d. Less-Than-Significant Impact. The construction and operation of the proposed project is not expected to expose people to existing sources of potential health hazards. Project construction and operations are not expected to involve the release of any significant amounts of hazardous materials including oils, pesticides or chemicals thereby reducing the potential for exposure to health hazards to a less than significant level.

e. Less-Than-Significant Impact. The proposed project will occur in an area of relatively low fire hazard (i.e. commercial, residential uses, agricultural and vacant land, etc.). Safety regulations governing project construction and operations in combination with these low fire hazard conditions reduces potential fire hazards to a less than significant level.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
X.	NOISE. Would the proposal result in:				
	a) Increases in existing noise levels?	☐	☐	☒	☐
	b) Exposure of people to severe noise levels?	☐	☐	☒	☐

Substantiation:

a. Less-Than-Significant Impact. The primary noise source associated with the proposed Miller Park project which may impact adjacent land uses will be construction noise. Noise resulting from the long-term operation of project facilities is expected to be negligible. Construction noise represents a short-term impact upon ambient noise levels. Noise generating construction equipment includes trucks, graders and backhoes. Grading and trucking activities typically represent the highest potential sources of construction noise. Local control of construction hours to daylight hours provides the most effective method of controlling construction noise. The County of San Luis Obispo restricts construction activities to the hours of 7 a.m. to 7 p.m. on weekdays and 9 a.m. to 5 p.m. on Saturday. Construction is not allowed on Sundays or holidays. Compliance with these policies reduces potential short-term construction noise impacts to a less than significant level.

The nearest sensitive noise receptors in the area is an existing residence on Tefft Street approximately 200 feet east of the project site. There are also two commercial structures between the Miller Park site and the nearest residence. Maximum noise levels from construction equipment required for the project to the nearest residence would reach as high as 68 dBA with a projected peak level range of 42 to 68 dBA. These maximum noise levels would be intermittent and represent a "worst case" estimate of construction noise. Average noise levels are not expected to exceed 60 CNEL at these off-site locations. The County of San Luis Obispo Noise Ordinance contains noise standards of 60 CNEL for exterior land uses and an interior noise standard of 45 CNEL. Construction of the proposed project is not anticipated to create noise levels that exceed these standards.

b. Less-Than-Significant Impact. Outdoor activities within the proposed project may include a farmer's market or other outdoor events or activities which may generate additional noise. At a distance of 100 feet from the on-site noise source, it would require approximately 31 persons shouting at a noise level perceived as twice a typical conversational level constantly for an entire hour to approach the County's daytime Leq Noise Ordinance Standard. Even if there were 124 persons, each of them would have to shout at this level constantly for 15 minutes in order to approach this standard. It is unlikely that most people could keep up this level of effort. Therefore, it is

unlikely that any outdoor activity associated with the proposed project would result in noise levels exceeding the County's Noise Ordinance limits.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan and Noise Ordinance

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XI.	PUBLIC SERVICES. Would the proposal have an effect upon or result in a need for new or altered government services in any of the following areas:				
	a) Fire protection?	☐	☐	☒	☐
	b) Police Protection?	☐	☐	☒	☐
	c) Schools?	☐	☐	☐	☒
	d) Maintenance of public facilities, including roads?	☐	☐	☒	☐
	e) Other governmental services?	☐	☐	☐	☒

Substantiation:

a. Less-Than-Significant Impact. The construction and operation of the Miller Park project is not expected to significantly impact fire protection services currently provided by the CalFire/San Luis Obispo County Fire Department.

b. Less-Than-Significant Impact. The proposed project is not expected to significantly impact police protection services currently provided by the County of San Luis Obispo, Sheriff's Department. Once developed, Miller Park will be regularly patrolled by the Sheriff's Department in order to deter unauthorized use of the park.

c. No Impact. Since the proposed project will not directly generate any school age children, no impacts to schools are anticipated.

d. Less-Than-Significant Impact. The proposed project will have no impact upon local roadways since project construction activities will be confined to the project site. Since the proposed project will be maintained by the Nipomo Community Services District, potential impacts upon the maintenance of public facilities are considered to be less than significant.

e. No Impact. The construction and operation of the proposed project will have no effect on any other governmental services.

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XII.	UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies or substantial alterations to the following utilities:				
	a) Power or natural gas?	☐	☐	☒	☐
	b) Communications systems?	☐	☐	☐	☒
	c) Local or regional water treatment or distribution facilities?	☐	☐	☒	☐
	d) Sewer or septic tanks?	☐	☐	☒	☐
	e) Storm water drainage?	☐	☒	☐	☐
	f) Solid waste disposal?	☐	☐	☒	☐
	g) Local or regional water supplies?	☐	☒	☐	☐

Substantiation:

a. Less-Than-Significant Impact. While construction and operation of the proposed project will require the use of electrical power, any additional energy demand is not anticipated to be significant and falls within the anticipated service parameters of the involved service providers.

b. No Impact. The proposed project will not involve the expansion of communications systems.

c. Less-Than-Significant Impact. The proposed project will require connection to existing water mains in Tefft Street, but will have no other impact upon local or regional water treatment or distribution facilities.

d. Less-Than-Significant Impact. The proposed project will require connection to the existing sewer mains in Tefft Street, but will generate very low amounts of wastewater due to the use of the on-site restrooms. This level of wastewater generation is well within the service and treatment ability of the Nipomo Community Services District.

e. Potentially Significant Unless Mitigation Incorporated. The proposed project will result in short-term landform alteration during project construction which could potentially alter the composition of surface runoff. Project construction activities may temporarily alter the composition of surface runoff through the grading of ground surfaces which will total a maximum of 1.4 acres. This runoff could, without proper

mitigation, contribute to the incremental degradation of downstream water quality, particularly within the adjacent tributary to Nipomo Creek which runs along the northern and northwestern boundaries of the project site. Erosion of graded areas and discharge of sediment to downstream areas will occur if project grading operations occur during the wet season or if adequate detention or erosion control facilities are not constructed. These potentially significant impacts can be mitigated to an insignificant level through the provision of adequate erosion control measures at points of drainage discharge and directing of all project drainage during project construction to an on-site detention basin (see Section VI. Impacts and Mitigation Measures).

f. Less-Than-Significant Impact. The proposed project will generate solid waste during project construction. This solid waste generation is considered to be a short-term impact. Given the limited extent of project construction, these solid waste impacts are considered to be less than significant. Long-term operations of the proposed park facilities will generate solid waste which will be taken by the local solid waste hauler. Impacts of this additional solid waste generation are considered to be less than significant.

g. Potentially Significant Unless Mitigation Incorporated. The proposed project will generate demand for water for irrigation, drinking purposes and the proposed restrooms. Given the proximity of proposed park facilities to irrigated areas throughout the proposed park, County health regulations would prohibit the use of reclaimed water for irrigation purposes. Irrigation of a "worst-case" total of one-half acre of lawn area and landscaping is extended to be approximately one acre foot per year or approximately 900 gallons per day. However, this potentially significant impact can be mitigated to an insignificant level through the implementation of various water conservation techniques such as the use of low-flow toilets, efficient irrigation systems and other water conservation methods relative to landscape irrigation (see Section VI. Impacts and Mitigation Measures).

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIII.	AESTHETICS. Would the proposal:				
	a) Affect a scenic vista or scenic highway?	☐	☐	☒	☐
	b) Have a demonstrable negative aesthetic effect?	☐	☐	☒	☐
	c) Create light or glare?	☐	☒	☐	☐

Substantiation:

a. Less-Than-Significant-Impact. Construction activities associated with the proposed Miller Park project will result in short-term visual impacts to views from adjacent roadways and land uses. None of the roadways visually impacted by project construction activities (Tefft Street or Carrillo Street) have been designated as scenic highways. Project construction activities are considered to be short-term. Any impacts to scenic vistas due to the proposed project are, therefore considered to be less than significant.

b. Less-Than-Significant Impact. Construction activities associated with the proposed project will have a short-term visual impact upon adjacent roadways and land uses. Given the relatively small amount of area disturbed by project construction activities, these aesthetic impacts are considered to be short-term and less than significant.

c. Potentially Significant Unless Mitigation Incorporated. The proposed project will include the provision of lighting within the gazebo, pole barn and within the interior and exterior of the restroom building. This lighting may potentially result in the generation of additional light and glare which may impact surrounding areas. This potential impact can be mitigated to an insignificant level through the provision of lighting that is shielded, non-reflective and directed downward (see Section VI. Impacts and Mitigation Measures).

Sources: South County Area Plan, Inland and County of San Luis Obispo General Plan

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIV.	CULTURAL RESOURCES. Would the proposal:				
	a) Disturb paleontological resources?	☐	☒	☐	☐
	b) Disturb archaeological resources?	☐	☒	☐	☐
	c) Affect historical resources?	☐	☒	☐	☐
	d) Have the potential to cause a physical change which would affect unique ethnic cultural values?	☐	☐	☐	☒
	e) Restrict existing religious or sacred uses within the potential impact area?	☐	☐	☐	☒

The following discussion of cultural resources impacts is based on the "Results of Archival Records Search and Phase One Archeological Surface Survey for the Miller Park Project, Nipomo, San Luis Obispo County, CA" dated June 7, 2009 and prepared by

Gibson's Archeological Consulting. This assessment is included in its entirety as Technical Appendix B of this Expanded Initial Study.

Substantiation:

a. Potentially Significant Unless Mitigation Incorporated. Given the amount of prior disturbance on the project site, little in the way of significant paleontological resources are expected to be found on the project site. No paleontological resources were encountered during site surveys. However, the potential exists that paleontological resources may be unearthed during project grading. This potential impact to paleontological resources can be mitigated to a level of insignificance through requiring a qualified paleontologist to examine any unearthed paleontological resources (see Section VI. Impacts and Mitigation Measures).

b. Potentially Significant Unless Mitigation Incorporated. Walkover surveys of the project site resulted in discovery of shell fragments consisting of six Pismo clam shell fragments including one nearly complete half shell and hinge. These shell fragments were not well weathered and were not the size or maturity of shells typically found within prehistoric sites. Also noted were three small fragments of banded Monterey chert (silica-based stone used to manufacture stone tools) although the quality and shape of fragments were likely from mechanically broken gravels. No significant prehistoric cultural materials were observed during site surveys. However, the potential exists that archaeological resources may be unearthed during project grading. This potential impact to archaeological resources can be mitigated to a level of insignificance through requiring a qualified archaeologist to examine any unearthed archeological resources (see Section VI. Impacts and Mitigation Measures).

c. Potentially Significant Unless Mitigation Incorporated. Walkover surveys of the project site resulted in the discovery of nine pieces of historical glass, including iridescent bottle fragments and one large glass fragment from the lip of a root beer colored bottle. White porcelain fragments and modern metal fragments including modern metal can pull-tabs were also found on-site. None of these materials are considered to be a significant historic resource.

The adjacent Pacific Coast Railway right-of-way which is currently immediately west of the project site is considered to represent a significant historic resource. The Nipomo Community Services District will obtain the right-of-way which will then be utilized for parking for the proposed park. Historic maps indicate that the right-of-way and adjacent areas contained a depot for the Pacific Coast Railway which has been recorded as a historic site. No evidence of any above ground structures or other facilities associated with the depot have been identified in any prior surveys or during the recent site walkover survey. The tracks and ties were removed in or about 1942. However, it is possible that subsurface evidence of the original depot is present. As such, the potential exists that historic resources associated with the Pacific Coast Railway may be unearthed during project grading. Potentially significant impacts to

historic resources associated with the Pacific Coast Railway can be mitigated to an insignificant level through requiring a qualified historic archeologist to prepare a Historic Resources Monitoring Program which includes a preconstruction workshop and monitoring of initial project grading as well as retention of the existing Pacific Coast Railway plaque and crossing sign and minimizing surface disturbance and grading in the depot area (see Section VI. Impacts and Mitigation Measures).

d. No Impact. The proposed project will not cause any physical changes which could affect unique ethnic cultural values.

e. No Impact. The proposed project will not restrict any existing religious or sacred uses.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XV.	RECREATION. Would the proposal:				
	a) Increase the demand for neighborhood or regional parks or other recreational facilities?	☐	☐	☐	☒
	b) Affect existing recreational opportunities?	☐	☐	☐	☒

Substantiation:

a. No Impact. The proposed Miller Park project will not directly generate any new population or housing thereby not creating any demand for parks or other recreational facilities. The proposed project will provide additional recreational opportunities for residents in areas east of Highway 101 and the Tefft Street interchanges thereby responding to and reducing the demand for neighborhood parks.

b. No Impact. The proposed project will not directly generate any new population or housing thereby not impacting any existing recreational opportunities. The proposed project will provide additional recreational opportunities for residents in areas east of Highway 101 and the Tefft Street interchanges thereby responding to and reducing the demand for neighborhood parks

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XVI.	MANDATORY FINDINGS OF SIGNIFICANCE.				
	a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or	☐	☐	☒	☐

wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				
b) Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?	☐	☐	☐	☒

Substantiation:

a. Less-Than-Significant Impact. Provided that all recommended mitigation measures are implemented, the proposed project would not have a substantial impact on biological or cultural resources.

b. Less-Than-Significant Impact. The proposed project involves the provision of additional recreation facilities within the Nipomo community. The proposed project does not involve the provision of additional housing or other urban uses and is, therefore, considered to have less than significant impact regarding potential to induce substantial growth in the area either directly or indirectly.

c. No Impact. The proposed project is not expected to cause substantial adverse effects on human beings either directly or indirectly.

VI. IMPACTS AND MITIGATION MEASURES

The following impacts were identified within Section V. Environmental Evaluation of this Expanded Initial Study as a "Potentially Significant Impact Unless Mitigation Incorporated." These identified impacts are followed by mitigation measures which, if implemented, will reduce these potential impacts to a less than significant level.

Water (Checklist Item IV.b.)

The proposed project will result in short-term landform alteration during project construction and the creation of additional impervious surfaces which could potentially alter the composition of surface runoff. This may degrade downstream water quality within the adjacent Nipomo Creek tributary.

Mitigation Measure

1. Prior to the issuance of grading permits, a detailed Drainage and Erosion Control Plan shall be submitted to the County of San Luis Obispo for review and approval. These plans shall maintain the existing site drainage patterns to the greatest extent feasible with drainage flows during project construction directed to an on-site detention basin. The Drainage and Erosion Control Plan shall include, but may not be limited to, the following elements:

a. In order to avoid erosion at drainage discharge locations during project construction, erosion control devices such as temporary berms, culverts, sandbagging or detention basins will be provided where necessary.

b. Drainage from areas disturbed by project grading shall be directed to an on-site detention basin.

Air Quality (Checklist Item V.a.)

Fugitive dust will be generated during grading required for the proposed project.

Mitigation Measures

2. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day. Increased watering frequency will be required whenever wind speeds exceed 15 mph.

3. All dirt stockpile areas shall be sprayed daily as needed.

4. Exposed ground areas that are planned to be reworked at dates greater than one month shall be sown with a fast-germinating native grass seed and watered until vegetation is established.

5. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting or other methods approved in advance by the APCD.

6. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

7. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least two feet of freeboard.

8. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.

Traffic/Circulation (Checklist Items VI.b. and IV.e.)

The proposed project may result in the temporary diversion of automobile traffic, pedestrians or bicyclists on Tefft Street at the project entrance during grading and construction.

Mitigation Measure

9. All project construction sites accessing onto or occurring adjacent to public roadways shall provide adequate signage, barriers and, if necessary, flagmen in order to insure safe diversion of vehicular traffic, bicyclists and/or pedestrians. These measures shall also insure continued access from adjacent properties to local roadways.

10. Construction-related vehicle trips shall be scheduled whenever possible during non-peak hours in order to reduce peak hour (7:00AM to 8:30AM and 3:00PM to 4:30PM) traffic impacts.

Biological Resources (Checklist Items VII.a., VIId. and VIIe.)

The proposed project has the potential to result in temporary impacts to nesting birds protected under the Migratory Bird Treaty Act and the Coast horned lizard.

Mitigation Measures

11. Project construction activities shall be conducted prior to, or after, the nesting season (February 15 to September 15) in order to avoid any potential impacts to nesting birds protected by the Migratory Bird Treaty Act. This shall include any necessary vegetation and/or tree

removals which could disrupt nesting birds. Therefore, construction activities should be conducted between the months of October and January to the extent feasible.

12. If Measure No. 11, above, is infeasible, pre-construction surveys shall be conducted by a qualified biologist two weeks prior to the initiation of construction activities, if initiated between February 15 and September 15 (i.e., nesting bird season) in order to identify potential bird nesting sites:

a. If active nest sites of common bird species protected under the MBTA (e.g., northern mockingbird, house finch, etc.) and Fish and Game Code 3503 and 3503.5 are observed within 300 feet of construction activities, then the project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young and

b. If active nest sites of raptors and/or species of special concern are observed within the vicinity of the project site, construction shall be avoided or terminated until the CDFG is contacted and an appropriate buffer zone around the nest is established. Construction activities in the buffer zone shall be prohibited until the young have fled the nest or the nest is abandoned.

13. A qualified biological monitor shall conduct a worker orientation program for all construction contractors (site supervisors, equipment operators and laborers) which emphasizes the potential for presence of special-status species within the project site (i.e., CRLF, Coast horned Lizard), identification their habitat requirements and applicable regulatory policies and provisions regarding their protection, and measures being implemented to avoid and/or minimize impacts.

The proposed project may indirectly impact the riparian scrub community and in-stream habitat of the adjacent Nipomo Creek tributary.

Mitigation Measures

14. A qualified biologist shall be retained to conduct a pre-construction survey of the Riparian Scrub (Nipomo Creek) and Coyote Brush Scrub areas in the vicinity of the project site. In the event that any special-status species are identified within the project areas (i.e., CRLF, southwestern pond turtle, Coast horned lizard), all work shall be delayed and the appropriate agencies shall be contacted for further consultation. As necessary, appropriate regulatory agency permits and/or approvals shall be obtained to allow relocation of special-status species from the project area.

15. All equipment staging, construction-crew parking areas shall be established within the pre-designated staging areas identified on construction plans. This shall include pre-designation of all staging areas to facilitate completion of the development activities. Additionally, all construction access routes shall be established in previously disturbed areas and/or existing roadways.

16. Exclusionary fencing will be erected at the boundaries of the construction areas to avoid equipment and human intrusion into adjacent habitats with emphasis on protection of areas containing special-status species (i.e., Nipomo Creek). The exact location of exclusionary fencing for each construction area shall be determined by a qualified biological monitor. The fencing shall remain in place throughout the construction phase for each individual project component.

17. During construction, washing, refueling and maintenance of equipment shall occur only in designated areas. Hay bales, sandbags and sorbent pads shall be available to contain spilled fuel and/or equipment lubricants to prevent migration into Nipomo Creek.

18. Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

19. The construction zone shall be kept free from litter by providing suitable disposal containers for trash and all consumption-generated material wastes. These containers shall be emptied at regular intervals and the contents properly disposed.

The proposed project may indirectly impact the riparian scrub and in-stream habitat of the adjacent Nipomo Creek corridor, an important wildlife migration corridor.

Mitigation Measures

20. A 50-foot setback from the Nipomo Creek channel shall be illustrated on final construction plans and adhered to throughout the project. At no time shall any equipment and/or materials staging be allowed within the 50-foot set-back area.

21. Prior to commencing construction, the applicant shall prepare the following plans and agency permit applications, and shall implement all plans prior to, during and immediately following construction activities:

a. In compliance with the San Luis Obispo County Land Use Ordinance, the applicant shall prepare an Erosion and Sedimentation Control Plan (ESCP) outlining measures to address both temporary (i.e., post-construction) methods for stabilizing soil and minimizing soil loss from the proposed project site. All applicable measures shall be included on final construction plans and adhered to throughout the project.

b. All project operations shall comply with the requirements under the General Construction Storm Water General Permit, issued by the State Water Resources Control Board (SWRCB) (Permit Order 99-08-DWQ). Such requirements will include preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include provisions for the installation and maintenance of Best Management Practices to reduce the potential for erosion of disturbed soils at the project site.

c. A Spill Contingency Plan (SCP) outlining measures to prevent the release of petroleum and hazardous materials including containment methods for emergency clean-up operations. Prevention measures shall include, but are not limited to identification of appropriate fueling areas away from sensitive habitat areas such as swales and/or drainages, a maintenance schedule for equipment and a list of appropriate containment and spill response materials to be stored on-site. All vehicles shall be staged only in appropriately marked and protected areas and at no time shall any cleaning and/or refueling of equipment be allowed upslope and/or within the vicinity of drainages. If an accidental spill of a hazardous or toxic material occurs, the Regional Water Quality Control Board (RWQCB), CDFG and California Department of Toxic Substances (CDTS) shall be notified.

22. Final landscape plans for the proposed park shall emphasize the use of California native, drought-tolerant plant species and shrubs. At no time shall any plant species listed by the California Invasive Plant Council (Cal-IPC) be included in the final landscaping plan for the proposed park.

23. The proposed walk/bike trail and cul-de-sac turnaround shall be installed no less than 50 feet from the top of the bank of Nipomo Creek. The final location of the walk/bike trail, cul-de-sac turnaround and associated 50-foot buffer shall be illustrated on all final plans and shall include permanent fencing and signage informing the public that the creek corridor is a "Sensitive Habitat Area".

24. Any required nighttime park lighting shall be shielded away from adjacent wildlife habitat areas of Nipomo Creek and pointed downward to minimize light and glare impacts on wildlife.

25. In the event that a storm water drop inlet is required along the cul-de-sac turnaround to Nipomo Creek, the appropriate regulatory agency permits shall be obtained prior to installation (e.g., CDFG, RWQCB, Corps, etc.). As necessary, impacted areas due to installation of the storm drainage system shall be mitigated per agency permit requirements. Lastly, all drop inlets shall contain appropriate oil/water separators per current regulatory standards for protection of water quality.

Utilities (Checklist Items XII.e. and XII.g.)

The proposed project will result in short-term landform alteration during project construction which could potentially alter the composition of surface runoff. This may degrade downstream water quality within the adjacent Nipomo Creek tributary.

Mitigation Measure

26. Prior to the issuance of grading permits, a detailed Drainage and Erosion Control Plan shall be submitted to the County of San Luis Obispo for review and approval. These plans shall maintain the existing site drainage patterns to the greatest extent feasible with

drainage flows during project construction directed to an on-site detention basin. The Drainage and Erosion Control Plan shall include, but may not be limited to, the following elements:

a. In order to avoid erosion at drainage discharge locations during project construction, erosion control devices such as temporary berms, culverts, sandbagging or detention basins will be provided where necessary.

b. Drainage from areas disturbed by project grading shall be directed to an on-site detention basin.

The proposed project will generate demand for water for irrigation, drinking purposes and the proposed restrooms.

Mitigation Measures

27. In accordance with the Uniform Plumbing Code, ultra low-flow toilets (1.28 gallons per flush) shall be installed within the proposed restrooms.

28. The proposed project shall, where possible, utilize efficient irrigation systems which minimize surface runoff and evaporation and maximize the water which will reach plant roots.

29. All landscape plans shall reflect the following water conservation methods: landscape with low water consuming plants; group plants with similar irrigation requirements to reduce over-irrigation; use of mulch in order to improve the water holding capacity of the soil by reducing evaporation and soil compaction and installation of efficient irrigation systems that minimize runoff and evaporation and maximize the amount of water that will reach the plant roots. Drip irrigation, soil moisture sensors and automatic irrigation systems also represent methods of increasing irrigation efficiency.

Aesthetics (Checklist Item XIII.c.)

The proposed project will include the provision of lighting which may potentially result in the generation of additional light and glare.

Mitigation Measures

30. Prior to the issuance of building permits, a detailed Exterior Lighting Plan shall be submitted to the County of San Luis Obispo for review and approval. This plan shall specify the following:

a. All lighting fixtures shall have low-pressure sodium vapor lamps or other lighting under 4050 lumens and shall be directed downward and shielded so that neither the

lamp nor the interior reflective surface is visible from areas outside the boundaries of the project site.

b. All lights, poles, fixtures and hoods shall be dark, non-reflective colors.

c. With the exception of security lighting, all other lighting shall automatically shut off at night when the park is not in use.

d. Security lighting shall be shielded with lighting heights no more than is absolutely necessary so as not to create glare when viewed from areas outside the boundaries of the project site. If feasible, security lighting shall be solar powered.

Cultural Resources (Checklist Items XIV.a., XIV.b. and XIV.c.)

The proposed project may result in the excavation of paleontological and archaeological resources during project grading.

Mitigation Measure

31. If any paleontological and/or archeological resources are encountered during project grading, a qualified paleontologist/archeologist shall be empowered to temporarily halt or redirect construction equipment while resources are evaluated and appropriate recommendations made.

The proposed project may result in the excavation of historic resources associated with the Pacific Coast Railway during project grading.

Mitigation Measures

32. A qualified historic archeologist familiar with the Pacific Coast Railway history shall prepare a historic monitoring program that includes a preconstruction workshop for the construction crew.

33. A qualified historic archeologist shall conduct monitoring of initial project grading. The Pacific Coast Railway Museum shall be notified and may assist in the monitoring of the initial project grading or in any assessment that may be necessary if subsurface evidence of the depot or other facilities are unearthed.

34. The existing Pacific Coast Railway plaque, crossing sign and any remaining rails shall remain in place. Any remaining rails shall either: 1) remain in place or 2) be temporarily relocated as long as the rails are precisely located by a licensed surveyor and replaced in their current location.

35. The design of the proposed project shall minimize subsurface disturbances and major grading of the depot area in order to avoid potential impacts to significant historic resources.

VII. ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.	☐
I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in this document have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.	☒
I find that the project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	☐
I find that the project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards and 2) has been addressed by mitigation measures based on an earlier analysis. If the effect is a potentially significant impact or potentially significant unless mitigated, an ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that need to be addressed.	☐
I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including project revisions or mitigation measures that are imposed upon the proposed project.	☐

Nipomo Community Services District:

_____ Date_____

Bruce Buel
General Manager
Nipomo Community Services District

VIII. CERTIFICATION

I hereby affirm to the best of my knowledge, based on available information provided to me through specialist's technical reports, public documents and original research, analysis and assessments, the statements and information contained within this environmental document are true and correct to the degree of accuracy necessary for public disclosure purposes in accordance with Public Resources Code Section 21003, 21061 and 21100.

_____

Bruce Buel
General Manager
Nipomo Community Services District

FIGURE 1
Location Map

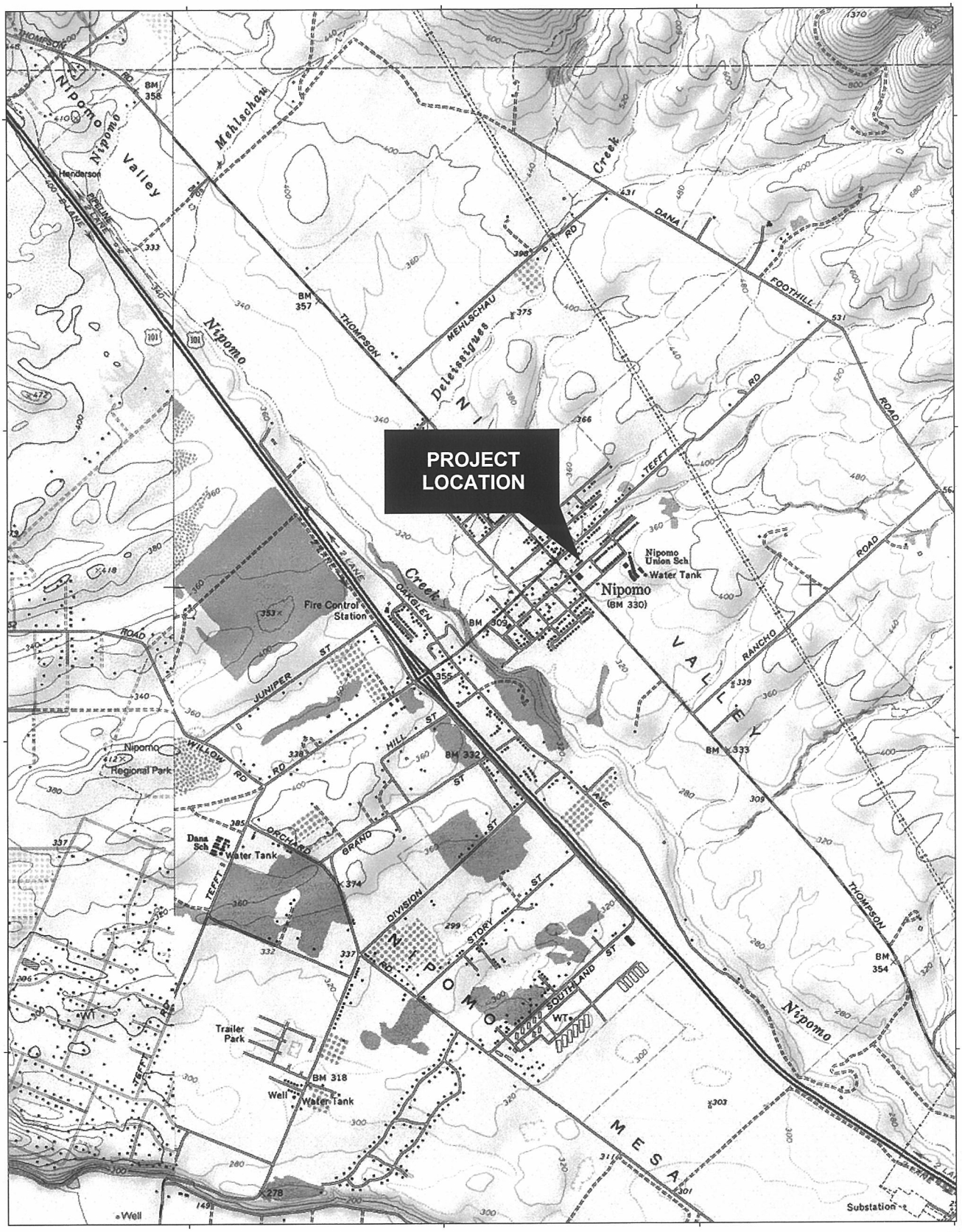


FIGURE 2
Vicinity Map

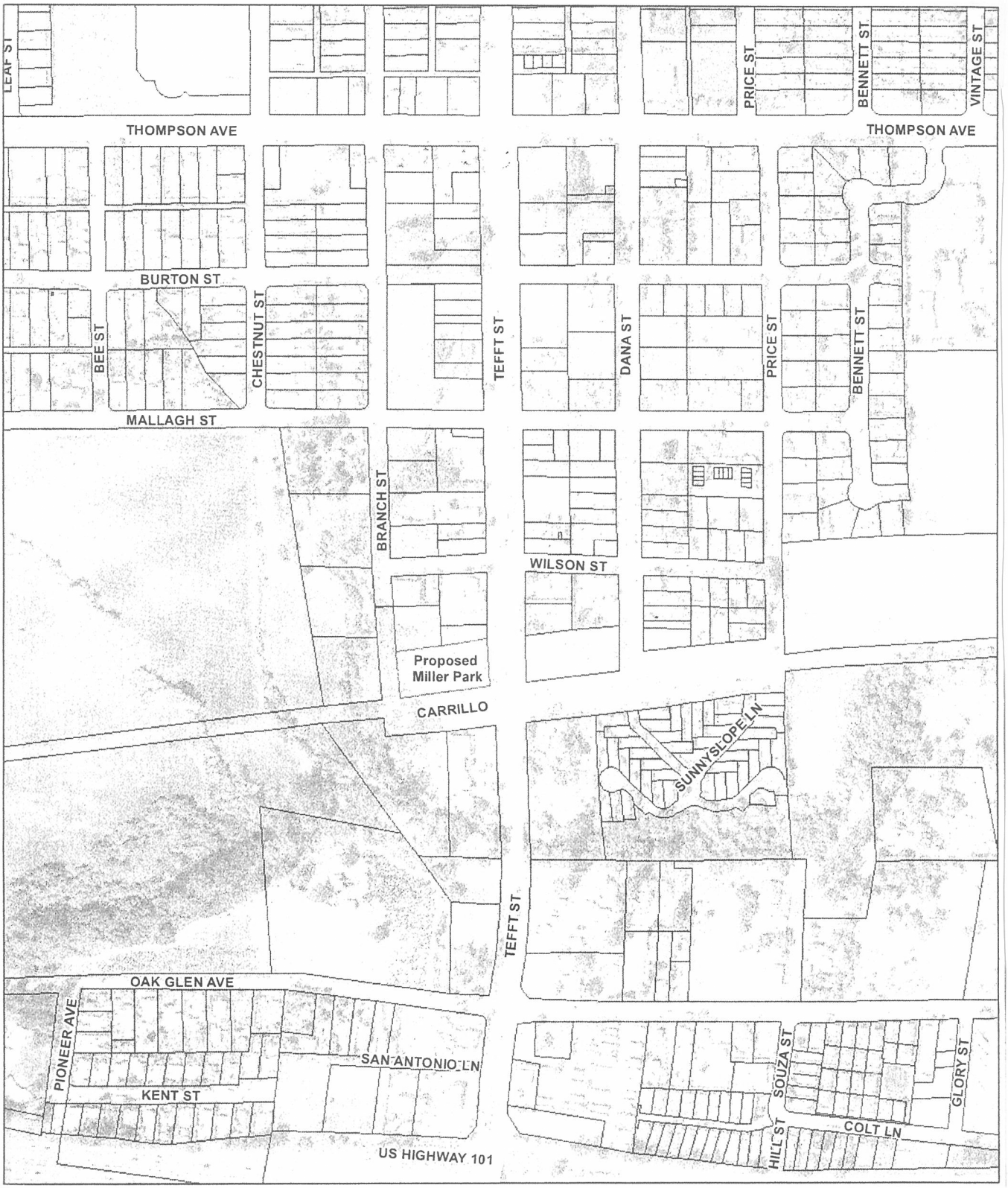


FIGURE 3
Aerial Photograph

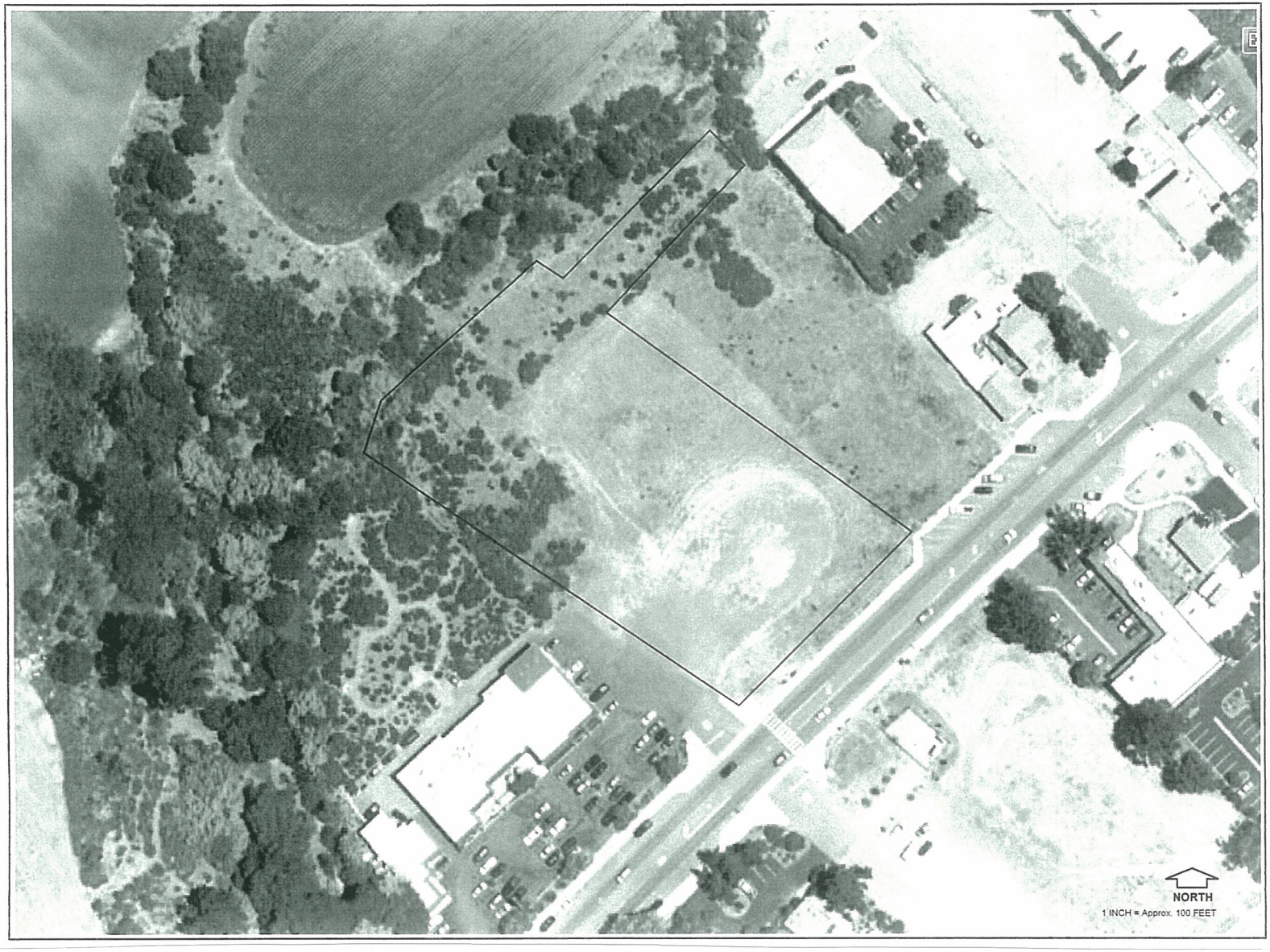
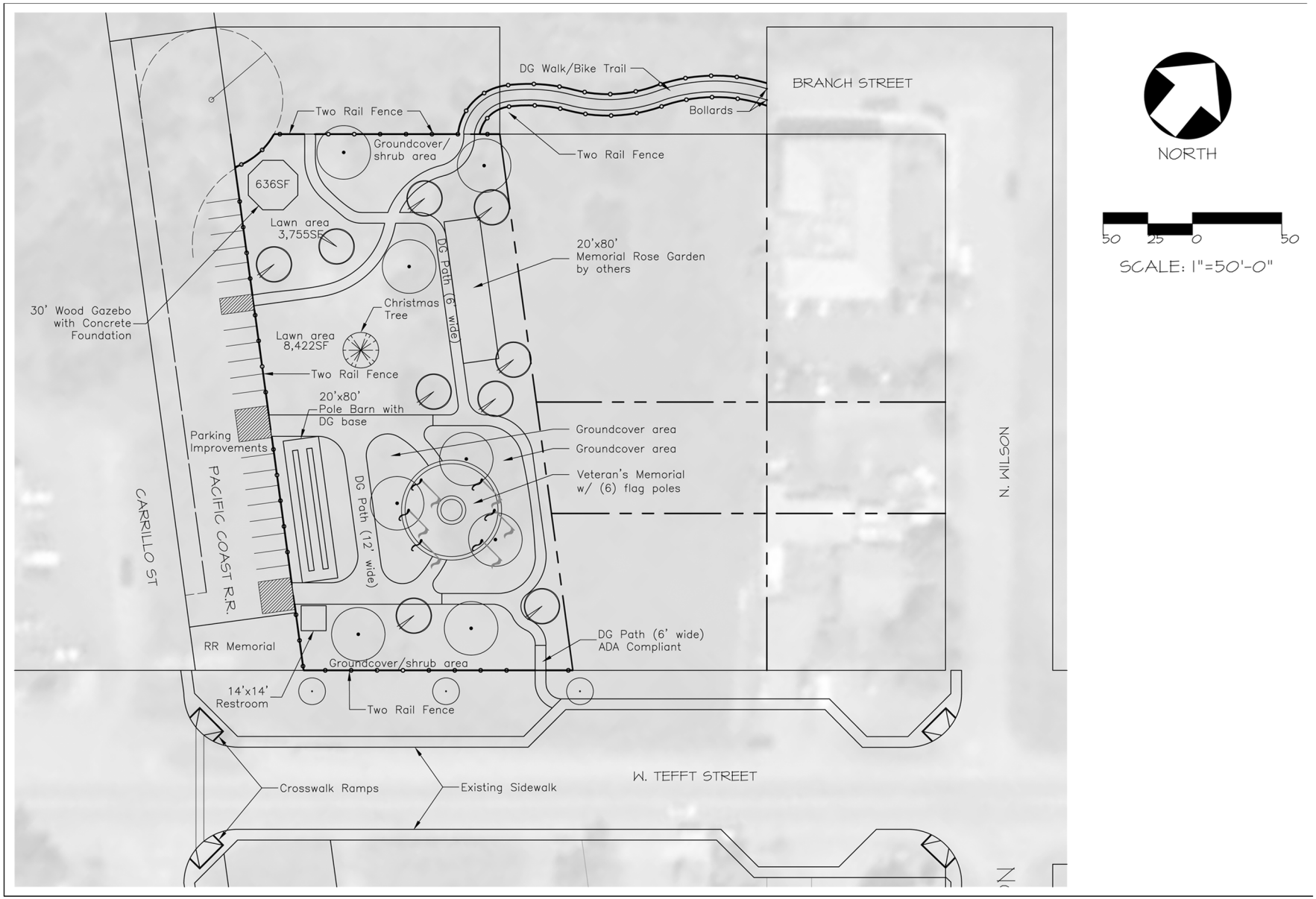


FIGURE 4
Proposed Park Facilities



A. BIOLOGICAL RESOURCES SURVEY REPORT

BIOLOGICAL RESOURCES SURVEY REPORT
PROPOSED MILLER PARK
NIPOMO COMMUNITY SERVICES DISTRICT
NIPOMO, CALIFORNIA

Prepared for:

Nipomo Community Services District
Nipomo, California

Prepared By:

Padre Associates, Inc.
369 Pacific Street
San Luis Obispo, California 93401

July 2009

Project No. 0902-1111

padre associates, inc.
ENGINEERS, GEOLOGISTS & ENVIRONMENTAL SCIENTISTS

EXECUTIVE SUMMARY

This Biological Resources Survey Report documents the results of the biological resources survey for the proposed Miller Park (Project) located east of Highway 101, on the northwest corner of Carillo Street and Tefft Street, Nipomo, San Luis Obispo County, California. The vegetation within the Project area consists of coyote brush scrub, riparian scrub, ruderal, and developed habitats. The field survey of the proposed Project area was conducted on May 7, 2009.

- No special-status plant species were identified within the proposed Project area during the field survey.
- No Special-status wildlife species were identified during the field survey. However, suitable habitat exists for California red-legged frog, southwestern pond turtle and coast horned lizard within the riparian scrub and coyote brush scrub habitats within the Project area.

The proposed project is expected to cause mitigable impacts to sensitive habitat (i.e., California red-legged frog [CRLF] habitat) for special-status species located within the proposed Project area. Temporary impacts have the potential to occur in the surrounding habitat due to construction activities (i.e., noise, dust, erosion, etc.). Long-term impacts have the potential to occur due to human activity in close proximity to a sensitive habitat (i.e., Nipomo Creek)

Recommended mitigation measures described in this Report include, but are not limited to the following:

- Pre-activity nesting bird survey and CRLF survey;
- Avoidance/protection of sensitive habitats during construction;
- Installation of permanent fencing and signage to minimize impacts to sensitive habitat and wildlife within Nipomo Creek; and,
- Worker education program.

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APPENDICES

1.0 INTRODUCTION

This Report documents the results of a biological resources survey conducted by Padre Associates, Inc. (Padre) for the proposed Nipomo Community Services District's (NCSD) Miller Park (Project) located east of Highway 101, Nipomo, San Luis Obispo County, California. The primary objective of the biological field survey was as follows: 1) determine the type and extent of plant communities present within the proposed Project site and adjacent Nipomo Creek corridor; and, 2) identify special-status plant and wildlife species, or known habitat of special-status species. The results of the field survey conducted on May 7, 2009 including a preliminary literature review are described within this report.

1.1 Project Location

The proposed Project is located on vacant land at the northwest corner of Carillo Street and Tefft Street, east of Highway 101 in Nipomo, San Luis Obispo County, California (see Figure 1 – Site Location Map).

1.2 Project Description

The proposed Project includes development of an approximate 1.4-acre site into a neighborhood park consisting of multiple lawn areas, ornamental plantings, decomposed granite walkways, a creek side walk/bike trail, fencing, pole barn, restroom, parking lot and a cul-de-sac turnaround (See Figure 2 – Miller Park Facilities Map).

1.3 Environmental Setting

The biological resources survey area (Survey Area) includes the proposed Project site and the Nipomo Creek corridor located approximately 100 feet northwest of the proposed development. The habitat types existing within the Survey Area include: coyote brush scrub, riparian scrub, ruderal (disturbed) and developed (see Figure 2 – Plant Communities).

2.0 METHODS

The primary focus of this assessment was to document the biological resources occurring within the proposed impact areas (i.e. baseline conditions), with emphasis on areas containing native vegetation and wildlife habitat, including areas containing protected trees (e.g. oak woodlands, riparian corridor(s), etc.) and to identify areas containing suitable habitat for special-status species. Methods for determining the potential presence of sensitive biological resources are described below in further detail.

2.1 Literature Review

Prior to conducting the survey, a review of the California Department of Fish and Game (CDFG) California Natural Diversity Data Base (CNDDB) was conducted to identify reported occurrences of special-status plant and wildlife species, and sensitive habitats within the vicinity of the Project (CNDDB, 2009). Padre also reviewed existing documents such as *The Final Biological Resources Survey Report for the Nipomo Community Services District Waterline Intertie Project,* for the Nipomo Community Services district (Padre Associates, Inc., 2008) to

obtain historical information on the biological resources within the vicinity of the Project area. Vegetation/habitat types recorded during the survey were classified based on the California Native Plant Society (CNPS) *A Manual of California Vegetation* (Sawyer and Keeler-Wolf, 1995), *A Preliminary Description of the Terrestrial Natural Communities of California* (Holland, 1986), and the CDFG *List of California Terrestrial Natural Communities Recognized by the Natural Diversity Data Base* (CDFG, 2009).

2.2 Field Surveys

The biological resources survey was conducted on May 7, 2008 by Padre Biologist Ms. Christina Santala between the hours of 1:00 to 3:00 pm. The weather at the start of the survey was clear, hot (85°), with northwest winds less than 1.0 miles per hour. Wildlife species were documented by walking paths of opportunity through existing habitat types and recording species observed by visual observation using 10X42 binoculars and indirect signs (tracks, scat, skeletal remains, burrows, etc.) and/or auditory cues (calls and songs). In addition, Padre walked transects of opportunity through the existing habitat types and recorded plant specimens which were identifiable. Plant specimens that were not positively identified in the field were further examined using a dissecting microscope and appropriate botanical keys, including *The Jepson Manual* (Hickman, 1993).

3.0 EXISTING CONDITIONS

The following discussion of biological resources is limited primarily to those resources that were observed within the immediate vicinity of the study area or resources that would be expected to occur and/or frequent a particular area based on the presence of suitable habitat.

3.1 Flora

The botanical survey was conducted by a Padre biologist on May 7, 2009. During this time, Padre compiled a list of plant species (see Appendix B) which occur within the project area (all scientific nomenclature based on Hickman [1993]), identified any special-status plant species occurring on-site, and mapped all plant communities within the Project area and 50-foot buffer zone (refer to Figure 2). A total of 34 vascular plant species were identified within the Project area during the field survey. Plants observed consisted of 10 (29 percent) native taxa and 24 (71 percent) non-native naturalized taxa. The percentage of non-native taxa is considerably greater than for the State as a whole (17.4 percent), reflecting the level of disturbance within the Project area associated with agriculture and development.

Based on species composition and life form, the vegetation of the Project area can be divided into four classifications. These classifications include Coyote Brush Series, Riparian Scrub, Ruderal, and Developed. Plant Communities occurring within the Project area are illustrated on Figure 2 and discussed below in further detail.

Coyote Brush Series (CBS). This community is dominated by coyote brush (*Baccharis pilularis* var. *consaguinea*) and included a prevalence of ruderal species such as black mustard (*Brassica nigra*), veldt grass (*Ehrharta calycina*) and poison hemlock (*Conium maculatum*). This community is fragmented from past site disturbance and occurs primarily along the northern, northwestern, and northeastern boundaries of the Project area.

Riparian Scrub (RS). This community is dominated by coast live oak (Quercus agrifolia), arroyo willow (*Salix lasiolepis*) and box elder (*Acer negundo*) with an understory of California rose (*Rosa californica*), mugwort (*Artemisia douglasiana*), periwinkle (*Vinca major*) and California figwort (*Scrophularia californica*) and poison oak (*Toxicodendron diversilobium*). Riparian Scrub habitat occurs within the Nipomo Creek corridor located which borders the northwestern boundary of the Project site.

Ruderal (RU). Ruderal habitat is a term used to describe those areas that have been disturbed by past land-use practices and/or recent ground disturbance. For the purposes of this Project, ruderal also represents those areas which are routinely maintained within the Project area (i.e., mowing). Ruderal habitat is the primary plant community within the proposed Project site. In addition, ruderal habitat extends east toward an existing commercial development area. This cover type consists almost entirely of non-native grasses including wild oat (*Avena fatua*), ripgut brome (*Bromus diandrus*), and disturbance-adapted weedy species including cheeseweed (*Malva parviflora*), redstem filaree (*Erodium cicutarium*), milk thistle (*Silybum marianum*), black mustard (*Brassica nigra*), radish (*Raphanus sativus*), bristly ox-tongue (*Picris echioides*), bindweed (*Convolvulus arvensis*), sweet fennel (*Foeniculum vulgare*) and bur-clover (*Medicago polymorpha*). Additionally, several small patches (i.e., <10 plants) of purple needlegrass (*Nassella pulchra*) were observed in close association with the northern limits of the ruderal habitat area as it transitions into riparian scrub.

Developed (DEV). Developed areas within the Project area include a sidewalk, bus stop enclosure, railroad monument, Miller Park signage, and electrical box. Currently, there is no vegetation within the developed areas (i.e., ornamental plantings).

3.2 Fauna

The wildlife survey was conducted on May 7, 2009. Detection methods included direct observation with binocular, examination and identification of tracks, scats, burrows/diggings, and carcasses/skeletal remains; and identification of vocalizations (calls and songs). Surveys were supplemented with previously published biological reports (Padre, 2008), regional and local species distribution references to determine which species occur or potentially occur on the vicinity of the proposed pipeline alignment. It should be noted that accurate assessment of wildlife populations would require extended periods of site research, trapping, and census taking. It is particularly difficult to detect nocturnal, rare or reclusive species to obtain accurate estimates of population size and geographical distribution. Other complications in the quantitative assessment of vertebrate (and invertebrate) populations include:

1. Many species may occur in the area only for short periods during migrations;
2. Many species of amphibians and reptiles become inactive during one or more seasons; and,
3. Seasonal or annual fluctuations in climate or weather patterns may confound observations.

A list of animal species observed during the May 7, 2009 field survey is presented in Appendix C, and includes wildlife that are expected to occur within the Project area. The principal habitat types that would be potentially impacted by proposed project activities include those plant communities previously discussed: Coyote Brush Series, Riparian Scrub, Ruderal, and Developed. Wildlife species observed in association with these cover types are discussed below:

Fish. Nipomo Creek was dry at the time of the field survey (May 2009). As such, no fish species were observed during the survey.

Amphibians and Reptiles. No Amphibians were observed during the field survey (May 2009). However, the creek channel provides suitable habitat and conditions for California red-legged frog (CRLF) (*Rana aurora draytonii*), southwestern pond turtle (*Clemmys marmorata pallida*) and western spadefoot (*Spea hammondii)* during periods of sufficient flow (i.e., seasonal rainfall).

Coyote brush habitat provides shade and shelter for several reptilian species. Western fence lizard (*Sceloporus occidentalis*) was the single reptile species observed during the field survey. Common reptiles expected to occur within this habitat also include, but is not limited to common garter snake (*Thamnophis sirtalis*), Pacific gopher snake (*Pituophis catenifer*), and western rattlesnake (*Crotalus viridus*).

Birds. Coyote brush and riparian areas within the Survey Area provide nesting and foraging habitat for a variety of smaller bird species as well as foraging habitat for raptors. Birds observed or expected to occur in association with coyote brush and mixed riparian habitat include, but are not limited to, scrub jay (*Aphelocoma californica*), golden crowned sparrow (*Zonotrichia atricapilla*), spotted towee (*Pipilo maculatus*), California towhee (*Pipilo crissalis*), song sparrow (*Melospiza melodia*), bushtit (*Psaltriparus minimus*), Bewick's wren (*Thryomanes bewickii*), house finch (*Carpodacus mexicanus*), California thrasher (*Toxostoma redivivum*), red shouldered hawk (*Buteo lineatus*), Pacific slope flycatcher (*Empidonax difficilis*), lesser goldfinch (*Carduelis psaltria*) and red-tailed hawk (*Buteo jamaicensis*).

Birds expected to occur within ruderal/disturbed areas include Brewer's blackbird (*Euphagus cyanocephalus*), European starling (*Sturnus vulgaris*) and northern mocking bird (*Mimus polyglottos*).

No active bird nests were identified within the Survey Area during the field survey; however, the Nipomo Creek corridor may provide suitable nesting habitat for a variety of bird species.

Mammals. Mammalian species observed and/or expected to occur within the habitat in the include desert cottontail (*Sylvilagus audubonii*), black-tailed jackrabbit (*Lepus californicus*), long-tailed weasel (*Mustela frenata*), coyote (*Canis latrans*), black-tailed deer (*Odocoileus hemionus columbianus*), California ground squirrel (*Spermophilus beecheyi*), western gray squirrel (*Sciurus griseus*), and other small rodents.

3.3 Migration Corridors

Wildlife migration corridors are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Migration corridors may be local, such as those between foraging and nesting/denning areas, or they may be regional in nature. Migration corridors are not unidirectional access routes; however, reference is usually made to source and receiver areas in discussions of wildlife movement networks. "Habitat linkages" are migration corridors that contain contiguous strips of native vegetation between source and receiver areas. Habitat linkages provide cover and forage sufficient for temporary inhabitation by a variety of ground-dwelling animal species. Wildlife migration corridors are essential to the regional fitness of an area as they provide avenues of genetic exchange and allow animals to access alternative territories as fluctuating dispersal pressures dictate.

An important wildlife migration corridor is present within the Nipomo Creek channel located approximately 100 feet northwest of the proposed park boundaries. Therefore, the wildlife habitat value within the creek corridor is considered moderate due to its importance in maintaining continuity with riparian habitats upstream and downstream of the Project area. Further, Nipomo Creek has the potential to support a variety of terrestrial species and allows the dispersion of aquatic and semi-aquatic organisms during high flow periods.

4.0 REGIONAL SPECIES AND HABITATS OF CONCERN

The following paragraphs describe those species and habitats of concern which have the potential to occur within the vicinity of the Survey Area based on CNNDB query of the following nine USGS 7.5-minute quadrangles: Arroyo Grande Northeast, Caldwell Mesa, Guadalupe, Huasna Peak, Nipomo, Oceano, Tar Springs Ridge, Twitchell Dam and Santa Maria.

4.1 Sensitive Habitats of Concern

Four sensitive plant communities are known to occur within the region encompassing the Survey Area; including, central dune scrub, central foredunes, coastal and valley freshwater marsh, and southern vernal pool (CNDDB, 2009). None of these sensitive habitats occur within the Survey Area. Although components of native perennial grassland (i.e., purple needlegrass) exist within the Project Site, the individual plants are scattered (non-contiguous) from past disturbance and do not represent an intact sensitive plant community.

4.2 Regional Plant Species of Concern

Plant species of concern are either listed as endangered or threatened under the Federal or California Endangered Species Acts, considered rare under the California Native Plant Protection Act, or considered rare (but not legally listed) by resources agencies, professional organizations, and the scientific community. For the purposes of this survey, plant species of concern are defined in Table 1.

The literature search conducted for this study indicated that 36 special-status plant species have been recorded within the region encompassing the Project area. Table 2 lists these species, their current status, habitat description, blooming period, the presence or absence of suitable habitat within the Project area, and rationale as to why the presence/absence determination was made. Because the plant species list presented in Table 2 is regional, an analysis of the range and habitat preferences of those species was conducted to identify special-status species that have the potential to occur within the Project area.

Table 1
Definitions of Special-Status Plant Species

Special-Status Plant Species
➢ Plants listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (50 CFR 17.12 for listed plants and various notices in the Federal Register for proposed species).
➢ Plants that are candidates for possible future listing as threatened or endangered under the Federal Endangered Species Act (Federal Register Vol. 67, No. 114, pp. 40657-4067, June 13, 2002).
➢ Plants that meet the definitions of rare or endangered species under the CEQA (*State CEQA Guidelines,* Section 15380).
➢ Plants considered by the CNPS to be "rare, threatened, or endangered" in California (Lists 1B and 2 in California Native Plant Society, 2001).
➢ Plants listed by CNPS as plants about which we need more information and plants of limited distribution (Lists 3 and 4 in California Native Plant Society, 2001).
➢ Plants listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (14 CCR 670.5).
➢ Plants listed under the California Native Plant Protection Act (California Fish and Game Code 1900 et seq.).
➢ Plants considered sensitive by other Federal agencies (i.e., U.S. Forest Service, Bureau of Land Management), state and local agencies or jurisdictions.
➢ Plants considered sensitive or unique by the scientific community or occurring at the limits of its natural range (*State CEQA Guidelines*, Appendix G).

Table 2. Regional Plant Species of Concern

Scientific Name Common Name	Status	Habitat	Blooming Period	Habitat Present (P)/ Absent (A)	Rationale
Agrostis hooveri Hoover's bent grass	List 1B.2	Chaparral, cismontane woodland, valley and foothill grassland. 60-600m.	April - July	A	Habitat associations are not present within the Project Site. Nearest known location: Black Canyon, south of Arroyo Grande, NW of Nipomo (CNPS, 2009).
Arctostaphylos luciana Santa Lucia manzanita	List 1B.2	Chaparral, shale outcrops on slopes. 25-230m.	December-March	A	Chaparral habitat is not present within the Project Site. Nearest known location: 1.75 miles NNE of Slide Hill, east of San Luis Obispo (CNDDB, 2009).
Arctostaphylos pilosula Santa Margarita manzanita	List 1B.2	Closed-cone coniferous forest, chaparral, shale outcrops, decomposed granite, or sandstone. 170-1100m.	December - March	A	Habitat associations are not present within the Project Site. Nearest known location: Lopez Canyon Road (CNDDB, 2009).
Arctostaphylos rudis Sand mesa manzanita	List 1B.2	Chaparral, coastal scrub. Endemic from Santa Barbara and San Luis Obispo Counties. 25-230m.	November - February	A	No manzanita species are present within the Project Site. Nearest known location: Between Pomeroy Road and Black Lake golf course, Nipomo Mesa (CNDDB, 2009).
Arctostaphylos wellsii Well's manzanita	List 1B.1	Chaparral, closed-cone coniferous forest. Endemic to San Luis Obispo County. 30-400m.	December -April	A	Habitat associations are not present within the Project Site. Nearest known location: South of Los Burros Creek near Highway 1 (CNDDB, 2009).
Arenaria paludicola Marsh sandwort	FE, SE, List 1B.1	Marshes and swamps. 10-170m.	May - August	A	Marshes and swamps are not present within the Project Site. Nearest known location: Black Lake Canyon, west of Nipomo Mesa and south of Arroyo Grande (CNDDB, 2009).
Astragalus didymocarpus var. *milesianus* Mile's milk-vetch	List 1B.2	Coastal scrub in clay soils. 20-90m.	March - June	A	Clay soils are not present within the scrub habitat in the Project Site. Nearest known location: Mouth of the Cuyama River, ridge west of Cuyama River (CNDDB, 2009).

Scientific Name **Common Name**	**Status**	**Habitat**	**Blooming Period**	**Habitat Present (P)/ Absent (A)**	**Rationale**
Atriplex serenana var. *davidsonii* Davidson's saltscale	List 1B.2	Coastal bluff scrub, coastal scrub, associated with alkaline soil. 3-250m.	April - October	A	Alkaline soils are not present within the scrub habitat in the Project Site. Nearest known location: Santa Maria River, along Highway 1 (CNDDB, 2009).
Calochortus obispoensis San Luis mariposa lily	List 1B.2	Chaparral, cismontane woodland, valley and foothill grassland. 75-665m.	May - July	A	Habitat associations are not present within the Project Site. Nearest known location: Carpenter Canyon, north of Arroyo Grande (CNPS, 2009).
Calochortus palmeri var. *palmeri* Palmer's mariposa lily	List 1B.2	Chaparral, cismontane woodland, meadows and seeps. 600-2245m.	May - July	A	Habitat associations are not present within the Project Site. Nearest known location: Stoney Creek (CNDDB, 2009).
Calystegia subacaulis ssp. *episcopalis* Cambria morning-glory	List 1B.2	Chaparral, cismontane woodland, coastal prairie. 60-500m.	April - June	A	Southeast of the City of San Luis Obispo, northeast of Orcutt Road (CNDDB, 2009).
Castilleja densiflora ssp. *obispoensis* San Luis Obispo owl's-clover	1B.2	Valley and foothill grassland. 10-215m.	March - May	A	Habitat associations are not present within the Project Site. Nearest known location: East of central Noyes Road, north of Arroyo Grande (CNDDB, 2009).
Chorizanthe breweri Brewer's spineflower	1B.3	Chaparral, cismontane woodland, coastal scrub, closed-cone coniferous forest, associated with rocky or gravelly serpentine sites. 45-800m.	April - August	A	Habitat associations are not present within the Project Site. Nearest known location: Price Canyon Road about 1 mile southwest of Hwy 227 (CNDDB, 2009).
Chorizanthe rectispina Straight-awned spineflower	List 1B.3	Chaparral, cismontane woodland, coastal scrub. 355-1035m.	May - July	P	Suitable habitat is present within the Project area. Nearest known location: 1 mile northeast of the junction of Hwy 101 and N. Oak Park Blvd. (CNDDB, 2009).
Cirsium loncholepis La Graciosa thistle	FE, ST List 1B.1	Coastal dunes, brackish marshes and coastal riparian scrub. 5-185m.	May - August	A	Suitable habitat is not present within the Project Site. Nearest known location: Callender Dunes about 0.5 mile west of Jack Lake (CNDDB, 2009).

Scientific Name **Common Name**	**Status**	**Habitat**	**Blooming Period**	**Habitat Present (P)/ Absent (A)**	**Rationale**
Cirsium rhothophilum Surf thistle	ST, List1B.2	Coastal dunes coastal bluff scrub. Endemic to Santa Barbara and San Luis Obispo Counties . 3-60m.	April - June	A	Habitat associations are not present within the Proiject Site. Nearest known location: Oso Flaco Lake (CNDDB, 2009).
Cladium californicum California saw-grass	List 2.2	Freshwater and alkali marshes, seeps. 3-60m.	June - September	A	Habitat associations are not present within the Project Site. Nearest known location: Bog near Hwy 1, 4 miles south of Arroyo Grande (CNDDB, 2009).
Clarkia speciosa ssp. *immaculata* Pismo clarkia	FE / SR / List 1B.1	Chaparral, cismontane woodland, valley and foothill grassland. 24-185m.	May -July	A	Habitat associations are not present within the Project Site. Nearest known location: Nipomo Mesa (CNDDB, 2009).
Deinandra increscens ssp. *foliosa* Leafy tarplant	List 1B.2	Valley and foothill grassland w/ sandy soils. 300-500m.	June - September	A	Habitat associations are not present within the Project Site. Nearest known location: Hwy 166, 1 mile east of Hwy 1 (CNDDB, 2009).
Delphinium parryi ssp. *blochmaniae* Dune larkspur	List 1B.2	Maritime chaparral and coastal dunes. 30-375m.	April - June	A	Habitat associations are not present within the Project Site. Nearest known location: Nipomo Mesa along Highway 1 near junction with Willow Road (CNDDB, 2009).
Delphinium umbraculorum Umbrella larkspur	List 1B.3	Cismontane woodland, associated with mesic sites. 400-1600m.	April - June	A	Habitat associations are not present within the Project Site. Nearest known location: Headwaters of Arroyo Grande (CNDDB, 2009).
Dithyrea maritima Beach spectaclepod	ST, List 1B.1	Coastal dunes and coastal scrub. 3-50m.	March - May	A	Habitat associations are not present within the Project Site. Nearest known location: Oso Flaco Lake, south of Oceano (CNDDB, 2009).
Dudleya abramsii ssp. *murina* Mouse-gray dudleya	List 1B.3	Chaparral, cismontane woodland, associated with serpentine outcrops. 90-300m.	May - June	A	Habitat associations are not present within the Project Site. Nearest known location: Near east Corral de Piedra Creek, 3.5 air miles ESE of Islay Hill (CNDDB, 2009).

Scientific Name **Common Name**	**Status**	**Habitat**	**Blooming Period**	**Habitat Present (P)/ Absent (A)**	**Rationale**
Erigeron blochmaniae Blochman's leafy daisy	List 1B.2	Coastal dunes. Endemic to San Luis Obispo County. 3-185m.	May - June	A	Habitat associations are not present within the Project Site. Nearest known location: Base of Nipomo Mesa, 0.25-mile southwest of Halcyon Road along unnamed road near railroad tracks (CNDDB, 2009).
Horkelia cuneata ssp. *puberula* Mesa horkelia	List 1B.1	Chaparral, cismontane woodland, valley and foothill grassland. 70-810m.	February - September	A	Habitat associations are not present within the Project Site. Nearest known location: 1.1 mile NE of Pismo (CNPS, 2009).
Horkelia cuneata ssp. *sericea* Kellogg's horkelia	List 1B.1	Closed-cone coniferous forest, coastal scrub, chaparral. 10-200m.	April - September	A	Suitable habitat is not present within the Project Site. Nearest known location: Nipomo Mesa; 4 miles west of Nipomo (CNDDB, 2009).
Lupinus ludovicianus San Luis Obispo County lupine	List 1B.2	Chaparral, cismontane woodland. Endemic to San Luis Obispo County. 50-525m.	April - June	A	Habitat associations are not present within the Project Site. Nearest known location: Summit between Arroyo Grande and Huasna (CNDDB, 2009).
Lupinus nipomensis Nipomo Mesa lupine	FE, SE List 1B.1	Coastal dunes. Endemic to San Luis Obispo County. 10-50m.	March - May	A	Suitable habitat is not present within the Project Site. Nearest known location: Southeast of Jack Lake, south of Oceano, Nipomo Mesa (CNDDB, 2009).
Monardella crispa Crisp monardella	List 1B.2	Coastal dunes, coastal scrub. Known only from Santa Barbara and San Luis Obispo Counties. 5-120m.	April - August	A	Suitable habitat is not present within the Project Site. Nearest known location: About 1.1 miles SW of Hwy 1 at junction of Willow Road, east side of refinery (CNDDB, 2009).
Monardella frutescens San Luis Obispo monardella	List 1B.2	Coastal dunes, coastal scrub. Known only from Santa Barbara and San Luis Obispo Counties. 10-100m.	May - September	A	Suitable habitat is not present within the Project Site. Nearest known location: Just north of Black Lake Canyon, east side of Hwy 1, south of Oceano (CNDDB, 2009).
Nasturtium gambellii Gambel's watercress	FE, ST List 1B.1	Freshwater and brackish marshes. 5-1305m.	April - September	A	Habitat associations are not present within the Project Site. Nearest known location: Black Lake Canyon CNDDB, 2009).

Scientific Name **Common Name**	**Status**	**Habitat**	**Blooming Period**	**Habitat Present (P)/ Absent (A)**	**Rationale**
Orobanche parishii ssp. *brachyloba* Short-lobed broomrape	FE, ST List 4	Coastal bluff scrub, coastal dunes, coastal scrub. 3-305m.	April - October	A	Habitat associations are not present within the Project Site. Nearest known location: South of Oso Flaco Lake (CNDDB, 2009).
Scrophularia atrata Black-flowered figwort	List 1B.2	Closed-coned coniferous forest, chaparral, coastal dunes, riparian scrub usually in sand and diatomaceous shales. 10-250m.	March - July	P	Habitat associations are present within the riparian scrub component of the Project Site. Nearest known location: Casmalia Hills, southwest of Guadalupe (CNDDB, 2009).
Senecio blochmaniae Blochman's ragwort	List 4	Coastal dunes, coastal floodplains. 0-100m.	May - October	A	Blochman's ragwort was observed within the alluvial scrub habitat during the field survey of Santa Maria River channel (Padre, 2008).
Symphyotrichum defoliatum San Bernardino aster	List 1B.2	Meadows and seeps, marshes and swamps, coastal scrub, cismontane woodland, lower montane coniferous forest, grassland	July - November	A	Suitable habitat is not present within the Project Site. Nearest known location: Roadside of Mountain View Road between Halcyon Road and the Southern Pacific Railroad overpass, Arroyo Grande (CNDDB, 2009).
Plant Communities					
Central Dune Scrub	n/a	n/a	n/a	A	Nearest known location: Nipomo Dunes, N and NE of Oso Flaco Lake (CNDDB, 2009).
Central Foredunes	n/a	n/a	n/a	A	Nearest known location: SW of Cienega Valley, and WNW of dune lakes along coast (CNDDB, 2009).
Coastal and Valley Foothill Scrub	n/a	n/a	n/a	A	Nearest known location: Blacklake Canyon, ~ 2 miles south of Oceano (CNDDB, 2009).
Southern Vernal Pool	n/a	n/a	n/a	A	Nearest known location: Blacklake Canyon, West of Santa Maria Airport, ~ 0.5 mile east of Black Road (CNDDB, 2009).

Status Codes:

FE	Federal Endangered	List 1B	Plants rare, threatened, or endangered in California and elsewhere (CNPS)
FT	Federal Threatened	0.1	Seriously endangered in California
SE	State Endangered	0.2	Fairly endangered in California
ST	State Threatened	0.3	Not very endangered in California
SR	State Rare (CDFG)	List 2	Plants rare, threatened or endangered in California, but more common elsewhere (CNPS)
A	Habitat absent	List 3	Plants about which we need more information, a review list (CNPS)
P	Habitat present	List 4	Plants of limited distribution, a watch list (CNPS)

As part of the botanical surveys conducted on May 7, 2009, an analysis of the range and habitat preferences of those regional species included in Table 3 was conducted to identify those special-status plant species that have the potential to occur within the project area based on existing habitat and site conditions. Based on this analysis, it was determined that the following two plant species have the potential, however low, to occur within the project area: straight-awned spineflower and black-flowered figwort. The following briefly presents the ecological and range information for these species:

Straight-awned spineflower (*Chorizanthe rectispina*). This species is an annual herb of the Buckwheat Family (Polygonaceae) that blooms from May to July. It is typically found in chaparral, cismontane woodland and coastal scrub habitats and generally grows at elevations of 200-1035 meters. Straight-awned spineflower is a CNPS List 1B.3 species. It is endemic to Monterey, San Luis Obispo and Santa Barbara Counties and is known from approximately twenty occurrences; eleven of these occurrences in San Luis Obispo, including one within 5-miles of the Project Site. No straight-awned spineflower was observed during the field survey and due to past site disturbance it is not expected to occur on-site.

Black-flowered figwort (*Scrophularia atrata*). This species is a perennial herb in the Figwort Family (Scrophulariaceae) that blooms from March to July. It is typically found in closed-cone coniferous forests, chaparral, coastal dunes, coastal scrub and riparian scrub habitats at elevations of 10-500 meters above sea level. Black-flowered figwort is a CNPS List 1B.2 species and is endemic to San Luis Obispo and Santa Barbara Counties. Although riparian scrub habitat occurs within the Project Site, no black-flowered figwort was observed during the field survey.

No special-status plant species were observed within the project area during the May 7, 2009 field surveys. For a complete listing of vascular flora observed within the proposed Project area, please refer to Appendix B.

4.3 Regional Wildlife Species of Concern

For the purposes of this project, special-status wildlife species are defined in Table 3. Based on the literature search, nine-quadrangle CNDDB query, and field surveys conducted by Padre, 38 special-status wildlife species are known to occur within the region of the proposed

Project area. Information regarding regulatory status and known location of these species relative to the Project area is provided in Table 4. Additional discussion of special-status wildlife species is provided below.

Table 3
Definitions of Special-Status Wildlife Species

Special-Status Wildlife Species
➢ Animals listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (50 CFR 17.11 for listed animals and various notices in the Federal Register for proposed species).
➢ Animals that are candidates for possible future listing as threatened or endangered under the Federal Endangered Species Act (Federal Register Vol. 67, No. 114, pp. 40657-4067, June 13, 2002).
➢ Animals that meet the definitions of rare or endangered species under the CEQA (*State CEQA Guidelines*, Section 15380).
➢ Animals listed or proposed for listing by the State of California as threatened and endangered under the California Endangered Species Act (14 CCR 670.5).
➢ Animal species of special concern to the CDFG (Remsen, 1978 for birds; Williams, 1986 for mammals).
➢ Animal species that are fully protected in California (California Fish and Game Code, Section 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]).

Table 4. Regional Wildlife Species of Concern

Common Name *Scientific Name*	Status	Habitat Present (P)/ Absent (A)	Nearest Known Occurrence(s)
Invertebrates			
Monarch butterfly *Danaus plexippus*	SA	A	Preisker Park, north side of Santa Maria (CNDDB, 2009)
Oso Flaco patch butterfly *Chlosyne leanira elegans*	SA	A	Area southeast of Oso Flaco Lake (CNDDB, 2009)
Morro Bay blue butterfly *Plebejus icarioides moroensis*	SA	A	Sand hills, 1.5 miles southeast of Oso Flaco Lake (CNDDB, 2009)
Oso Flaco flightless moth *Areniscythris brachypteris*	SA	A	Oso Flaco Lake (CNDDB, 2009)
Oso Flaco robber fly *Ablautus schlingeri*	SA	A	Oso Flaco Lake (CNDDB, 2009)
Sandy beach tiger beetle *Cicindela hirticollis gravida*	SA	A	Oso Flaco Lake (CNDDB, 2009)
White sand bear scarab beetle *Lichnanthe albipilosa*	SA	A	Oso Flaco Lake (CNDDB, 2009)
Rude's longhorn beetle *Necydalis rudei*	SA	A	Oso Flaco Lake (CNDDB, 2009)
California brackish water snail (=mimic tyronia) *Tyronia imitator*	SA	A	Mouth of lagoon at Oceano (CNDDB, 2009)

Table 4 (Continued). Regional Wildlife Species of Concern

Common Name *Scientific Name*	Status	Habitat Present (P)/ Absent (A)	Nearest Known Occurrence(s)
Fish			
Arroyo chub *Gila orcutti*	CSC, SA	A	Cuyama River (Padre 2001); Santa Maria River estuary (CNDDB, 2009)
Steelhead - Southern California ESU *Oncorhynchus mykiss irideus*	FE, CSC, SA	A	Arroyo Grande Creek (CNDDB, 2009)
Tidewater goby *Eucyclogobius newberryi*	FE, CSC, SA	A	Arroyo Grande Creek lagoon, adjacent to Oceano Dunes State Vehicular Recreation Area (CNDDB, 2009)
Reptiles			
Coast horned lizard *Phrynosoma coronatum*	CSC, SA	P	Canyon de los Alisos, 0.3-mile north of Huasna Road, 4 miles northeast of Arroyo Grande (CNDDB, 2009)
Southwestern pond turtle *Clemmys marmorata pallida*	CSC, SA	P	Nipomo Creek (Padre, 2004)
Two striped garter snake *Thamnophis hammondii*	CSC, SA	A	Caldwell Mesa, on Pine Ridge, Los Padres National Forest (CNDDB, 2009)
Amphibians			
Arroyo toad *Bufo californicus*	FE, CSC, SA	P	Sisquoc River, Santa Maria Valley (CNDDB, 2009)
California red-legged frog *Rana aurora draytonii*	FT, CSC, SA	P	Blosser Road culvert and pond along Santa Maria River levee (Padre, 2007)
California tiger salamander *Ambystoma californiense*	FPT, CSC, SA	A	Santa Maria Airport (CNDDB, 2009)
Western spadefoot *Spea hammondii*	CSC, SA	P	Santa Maria River (CNDDB, 2009)
Coast range newt *Taricha torosa torosa*	CSC, SA	A	Arroyo Grande Creek, just west of Lopez Dam (CNDDB, 2009)
Birds			
Horned lark *Eremophila alpestris*	WL, M, SA	P	Observed during field survey of Santa Maria River (Padre, 2008)
Burrowing owl *Athene cunicularia*	CSC, M, SA	P	Betteravia Road and Mahoney Road, Santa Maria (CNDDB, 2009)
California brown pelican *Pelicanus occidentalis*	SE, FE, FP, M (nesting colony and communal roosts), SA	A	Santa Maria River estuary
California black rail *Laterallus jamaicensis coturniculus*	FE, SE, M, SA	A	Oso Flaco Lake (CNDDB, 2009)
California least tern *Sternula antillarum browni*	FE, SE, M, SA	A	Oso Flaco Lake (CNDDB, 2009)

Table 4 (Continued). Regional Wildlife Species of Concern

Common Name *Scientific Name*	Status	Habitat Present (P)/ Absent (A)	Nearest Known Occurrence(s)
Cooper's hawk *Accipiter cooperii*	CSC (nesting), M, SA	P	Observed in the vicinity of the Santa Maria River (Padre, 2004)
California condor *Gymnogyps californianus*	FE, SE, FP, M, SA	A	Hi Mountain Condor Area (CNDDB, 2008)
Least Bell's vireo *Vireo bellii pusillus*	FE (nesting), SE (nesting), M, SA	P	Hanson Aggregates, Sisquoc River (CNDDB, 2004)
Loggerhead shrike *Lanius ludovicianus*	CSC (nesting), M, SA	P	Observed during field survey of Santa Maria River channel (Padre, 2008)
Sharp-shinned hawk *Accipiter striatus*	CSC (nesting), M, SA	P	Nipomo Mesa (CNDDB, 2009)
Tricolored blackbird *Agelaius tricolor*	CSC (nesting colonies), M, SA	A	Along the Sisquoc River, 0.6-mile east of Garey (CNDDB, 2009)
Western snowy plover *Charadrius alexandrinus nivosus*	FT (nesting), CSC (nesting), M, SA	A	Nipomo Dunes, north and northeast of Oso Flaco Lake (CNDDB, 2009)
Yellow warbler *Dendroica petechia*	CSC (nesting), M, SA	A	Hanson Aggregates Sisquoc River (CNDDB, 2004)
Yellow-billed cuckoo *Coccyzus americanus*	SE, FC (nesting), M, SA	A	Unknown. Last recorded within the area in 1920 (CNDDB, 2004)
Prairie falcon *Falco mexicanus*	CSC, M, SA	A	Location information suppressed (CNDDB, 2009)
White-tailed kite Elanus leucurus	FP (nesting), M, SA	P	Observed during field survey of Santa Maria River (Padre, 2008)
Mammals			
Pallid bat *Antrozous pallidus*	CSC, SA	A	Sisquoc River, 7 miles east of Santa Maria (CNDDB, 2009)
American badger *Taxidea taxus*	CSC, SA	P	Hwy 101 Main Street crossing, Santa Maria (CNDDB, 2009)

Status Codes:

FE	Federal Endangered (USFWS)	FP	Fully Protected under California Fish and Game Code
FPT	Federal Proposed Threatened (USFWS)	SA	Special animal (CDFG)
FT	Federal Threatened (USFWS)	M	Protected under the Migratory Bird Treaty Act of 1918
FC	Federal Candidate Species (USFWS)	WL	California Department of Fish and Game Watch List
SE	State Endangered (CDFG)		
ST	State Threatened (CDFG)		
CSC	California Species of Special Concern (CDFG)		

Special-status wildlife species associated with coastal and/or marine habitats located west of the Survey Area (e.g., brown pelican, western snowy plover, tidewater goby, and California least tern) were not observed during the field survey and are not expected to occur within the site due to the lack of suitable habitat (i.e., coastal marine habitat). In addition, non-coastal species such as California condor and yellow billed cuckoo would not occur within the BSA due to lack of suitable habitat (e.g., mountainous savannahs, well-developed riparian forest). Therefore, no further discussions of these species are necessary. However, for the purposes of impact analysis, the following briefly presents the applicable ecological and range information for those special-status wildlife species documented within the region of the proposed Project area which have a likelihood of occurrence, however low, based on the presence of potentially suitable habitat:

Invertebrates

Monarch butterfly *(Danaus plexippus).* The overwintering habitats for the monarch butterfly are considered to be of special concern by CDFG. This species is known to roost in winter (usually in dense concentrations) within coastal groves of eucalyptus, cypress or pine trees. Autumnal roosts are abandoned early (November or December) by individuals seeking more favorable conditions, while permanent roosts begin forming in October and persist into February. There are several known monarch butterfly roosting areas located within coastal San Luis Obispo County. The nearest known roosting area to the Project area is in Preisker Park, which is located approximately 1.0-mile east of Blosser Road. Preisker Park is an autumnal site, with a maximum monarch count of 27 in 1999 (Padre, 2008). Eucalyptus windrows occur approximately 0.15-mile northwest of the Project site and may provide suitable overwintering habitat. However, no monarch butterflies were observed within the Survey Area and these windrows are small and fragmented and much less suitable for Monarchs, as compared to Preisker Park. Therefore, it is unlikely the Monarch butterfly overwinters within the Project vicinity.

Reptiles

Coast horned lizard (*Phrynosoma coronatum frontale*). The coast horned lizard is a federal species of concern and a California species of special concern that occurs in a variety of open habitats that provide sites for basking, sandy or sandy-loam substrates for night-time burial, and a suitable prey base (the species feeds almost exclusively on native ants). It was historically distributed throughout the Central and Coast Range, but now occurs at scattered, disjunct locations within this range. The coast horned lizard produces clutches of 6 to 21 eggs from May to June and hatching typically occurs in August and September. Due to the presence of suitable habitat (i.e., coyote brush scrub), coast horned lizard has the potential to occur within the Project area.

Southwestern pond turtle (*Clemmys marmorata pallida*). The southwestern pond turtle is a federal species of special concern and a California species of special concern. It is an aquatic turtle inhabiting streams, marshes, ponds, and irrigation ditches within woodland, grassland, and open forest communities. However, it requires upland sites for nesting and

over-wintering. Stream habitat must contain large, deep pool areas (six feet) with moderate-to-good plant and debris cover, and rock and cobble substrates for escape retreats. Southwestern pond turtle has the potential to occur within Nipomo Creek during periods of high water flow and subsequent ponded/pooled conditions.

Amphibians

Arroyo toad (*Bufo californicus*). The southwestern arroyo toad is a federally listed endangered species and a California species of special concern. It was formerly found in rivers with near-perennial flow throughout southern California between San Luis Obispo and San Diego counties. Populations persist in Santa Barbara, Ventura, Los Angeles, Riverside, and San Diego counties. The majority of the remaining populations in Santa Barbara and Ventura counties are located on the Los Padres National Forest (USFWS, 1994), and USFWS has designated the Sisquoc and upper Santa Ynez rivers as critical habitat for the arroyo toad (USFWS, 2001). These critical habitat locations are east and south of the Project area, respectively. The nearest known occurrence of the species is within the Sisquoc River, approximately 15 miles to the east-southeast. This species is not expected to occur in the vicinity of the Project area due to the lack of stream pools from early April to early July required for breeding.

California red-legged frog (*Rana aurora draytonii*). The California red-legged frog (CRLF) is a federally listed threatened species and a California species of special concern. It formerly ranged from northern California south along the Pacific Coast, west of the Cascade Mountains and the Sierra Nevada, to northern Baja California at elevations from near sea level to 8,000 feet. Populations remain in the San Francisco Bay Area, along the California coast, and on the western edge of the Central Valley.

The CRLF occurs in different habitats depending on their life stage and season. All stages are most likely to be encountered in and around breeding sites, which include coast lagoons, marshes, springs, permanent and semi-permanent natural ponds, ponded and backwater portions of streams, as well as artificial impoundments such as stock ponds, irrigation ponds, and siltation ponds. This species prefers dense emergent and bank vegetation including willow (*Salix* sp.), cattail (*Typha* sp.), and bulrush (*Scirpus* sp.). The absence of these plant species within the site does not exclude the possibility that the site provides red-legged frog habitat, but the presence of one or all of these plants is an important indicator that the site may provide foraging or breeding habitat (USFWS, 1997). The largest CRLF densities are associated with deep-water pools with dense stands of overhanging willows and an intermixed fringe of cattails (Jennings and Hayes, 1994).

CRLF breed from November through March. The female lays between 2,000 to 5,000 eggs in clusters attached to emergent and submergent vegetation in ponds and backwater pools in creeks. The tadpoles remain in this habitat until they metamorphose in the summer between 11 and 20 weeks after hatching. Young frogs can occur in slow moving, shallow riffle zones in creeks or along the margins of ponds.

CRLF has been observed in several locations on the Nipomo Mesa. Specifically, During a 2007 U.S. Fish and Wildlife Service (USFWS) protocol-level survey, adult CRLF were observed within an agricultural pond on the Nipomo Mesa approximately 500-feet northeast of the Santa Maria River channel (Padre, 2007). In addition, one adult CRLF and one egg mass were observed during the February 29, 2008 survey within an agricultural pond along Orchard Avenue (Padre, 2008).

California tiger salamander (*Ambystoma californiense*). On August 4, 2004, the USFWS down-listed the Santa Barbara County population of the California tiger salamander (CTS) to threatened status (50 CFR 17), but included the entire species throughout its range (USFWS, 2004). In addition to this species' federal status, CTS are also a California species of special concern.

Adult and juvenile CTS apparently spend most of their time below ground in the burrow systems of ground squirrels, pocket gophers, and other burrowing rodents. They emerge from these retreats at night during rain events between late autumn through early spring and travel to breeding pools. Most breeding pools are ephemeral (vernal). Use of permanent aquatic sites as breeding habitat is unlikely unless these features lack predators such as introduced fish and bullfrogs. Consequently, CTS's are considered obligate seasonal, or vernal, pool breeders. Man-made ponds can function as salamander breeding habitat as long as these ponds are kept free of fish and bullfrogs and possess suitable seasonal hydrologic characteristics. Adult salamanders remain at the breeding site for only a few days after breeding, then move back to their terrestrial retreats (small mammal burrows) located hundreds or thousands of feet from the pool.

The nearest known documented occurrence of this species was located within the vicinity of the Santa Maria Airport. Due to the lack of suitable habitat (vernal pools) in the project vicinity, California tiger salamander is not expected to occur within the Project area.

Western spadefoot (*Spea hammondii*). Western spadefoot is a California species of special concern. Spadefoot toad is not seen during most of the year, as it resides in burrows up to nine months of the year with infrequent nocturnal sojourns. They emerge during spring rains and breed in temporary pools. Western spadefoot toad occurs primarily in grassland habitats, although it is occasionally found in valley or foothill hardwood woodlands. The nearest known documented occurrence of this species was located west of the Santa Maria Airport. Western spadefoot has the potential to occur, however low, within the ephemeral pools of the Nipomo Creek.

Birds

Burrowing owl (*Athene cunicularia*). This species is a California species of special concern and federal species of special concern. Within California, the species is typically found throughout the Central Valley, in the San Francisco Bay Area, at scattered locations along the coast, and in portions of the desert regions. The species is a year-round resident in annual and perennial grasslands or other vegetation communities that support little to no tree or shrub cover. In California, the species is typically found in close association with California ground

squirrels (*Spermophilus beecheyi*) where the ground squirrel creates burrows that are used by burrowing owls as year-round shelter and seasonal nesting habitat. However, burrowing owls also use human-made structures such as culverts, corrugated metal pipes, debris piles, or openings beneath pavement as shelter and nesting habitat. No burrowing owl burrow sites were observed within the Survey Area during field surveys conducted by Padre. The nearest known documented occurrence of this species is located northwest of the Santa Maria Airport. Due to the lack of field evidence and minimal habitat available, this species is not expected to occur within the Project area.

Cooper's hawk (*Accipiter cooperii*). Cooper's hawk is a California species of special concern during nesting periods; primarily due to the loss of riparian nesting habitat. Preferred nesting habitat typically consists of dense stands of coast live oak, riparian or other forest habitat located near water. This species generally is solitary and feeds on small birds and mammals captured in surprise attack. Cooper's hawk is an uncommon permanent resident and fairly common fall transient along the central coast. This species has the potential to occur within the Project area for the purposes of foraging.

Least Bell's vireo (*Vireo bellii pusillus*). Least Bell's vireo is a state and federally listed endangered species. This bird nests in the edges of riparian scrub or riparian forests, approximately 9-198 m (30-650 ft) from the water's edge, and 1 to 2.5 m (3 to 8 ft) above ground. The nearest known documented occurrence of this species is from the Hanson Aggregate property, adjacent to the Sisquoc River (CNDDB, 2004). This species has not been reported from Santa Maria River or Nipomo Creek. Riparian habitat along the Nipomo Creek channel is considered marginal habitat due to its limited width, adjacent development and fragmented nature. However, it is possible that this species occasionally forages within or adjacent to the Project area.

Loggerhead shrike (*Lanius ludovicianus*). Loggerhead shrike is a federal species of special concern and a California special concern species during nesting periods. The species generally occurs in a variety of open grassland, oak savannah, shrub-land, and other similar habitats where it feeds primarily on large insects (e.g., grasshoppers). However, the species may also occasionally take small reptiles, birds, and mammals. Loggerhead shrikes nest during March to June with young becoming independent during July or August. The nest is generally well-concealed on a stable branch in a densely-foliaged shrub or tree. Based on the presence of suitable habitat within the Project area, this species has the potential to utilize the Project area for nesting and foraging purposes.

Sharp-shinned hawk (*Accipiter striatus*). The sharp-shinned hawk is a California species of special concern during nesting periods. This species typically builds nests within woodland habitat where they forage on small birds. Sharp-shinned hawks will also occasionally eat small mammals and insects. This species is a fairly common winter visitor and resident along coastal ridges foraging in woodland and semi-open habitats. Although suitable habitat for this species is fragmented (isolated eucalyptus within the vicinity of the Project area), this species has the potential to occur occasionally within the Project area for the purposes of foraging.

Yellow warbler (*Dendroica petechia brewsteri*). The yellow warbler is a California species of special concern during nesting periods. Within San Luis Obispo County, this species is a fairly common summer transient of deciduous riparian habitats. This species typically nests within riparian woodland habitat of the coastal foothills from mid-April to early August. Yellow warbler forages within riparian woodland/scrub habitats by gleaning the bark of riparian vegetation for insects; however, the species will occasionally eat berries. The nearest known occurrence of this species was located at Hanson Aggregates, near the Sisquoc River. Riparian habitat along the Nipomo Creek channel is considered marginal habitat due to its limited width, adjacent development and fragmented nature. However, it is possible that yellow warbler occasionally forages within or adjacent to the Project area.

White-tailed kite (*Elanus leucurus*). The white-tailed kite is a California fully protected species during nesting periods. The white-tailed kite typically occurs in coastal and valley lowlands, usually associated with agricultural lands and open fields. Nests are constructed in treetops with dense foliage. This species is considered an uncommon resident of most of San Luis Obispo County. Suitable nesting habitat for white-tailed kite may occur within portions of the Project area (i.e., eucalyptus windrows nearby). Therefore, this species has the potential to nest and forage within the Project area.

Horned Lark (*Eremophila alpestris*). The horned lark is listed on the California Department of Fish and Game watch list. This species is common in expansive open areas with barren or sparsely vegetated ground such as beaches, plowed fields, and edges of airport runways. Horned lark feed on seeds and insects and nests in depressions or cavities on the ground. This species has the potential to occur within the Project Site for the purposes of nesting and foraging.

Mammals

American Badger (Taxidea taxus). The American badger is a California species of special concern. This species typically occurs in drier open stages of most shrub, forest, and herbaceous habitats with friable soils and open, uncultivated ground. The American badger preys on burrowing rodents by digging large, elliptical burrows at the base of rodent dens and waiting for its prey. A potential burrow was identified within coyote brush series near the intersection of Orchard Avenue and Joshua Street (Padre, 2008). Although, no American badgers were observed during the field surveys; this species has the potential to occur within the Project area.

5.0 IMPACT DISCUSSION

5.1 Short-term Impacts

Noise, dust and vehicle operation generated by construction activities may disrupt foraging activities of some wildlife within the boundaries of the Project area and immediate vicinity. Although highly mobile wildlife species (e.g., birds) would be expected to avoid the Project area, construction activities may also result in mortality of less mobile species, particularly, fossorial (ground-dwelling) species. Overall, due to the current level of disturbance within the proposed Project site, the limited number of wildlife species occurring within the Project area, and the availability of suitable habitat in the region, impacts to general wildlife are expected to be less than significant. However, the proposed project has the potential to result in temporary impacts to coast horned lizard and nesting birds protected under the Migratory Bird Treaty Act (MBTA). Further, short-term construction activities have the potential to result in secondary impacts (i.e., habitat disturbance, sedimentation impacts, etc.) to the adjacent Nipomo Creek riparian corridor and associated special-status species, such as the California red-legged frog (CRLF) and southwestern pond turtle. As such, implementation of the mitigation measures outlined below would mitigate impacts to coast horned lizard, nesting birds, and semi-aquatic, special-status species with the potential to occur in Nipomo Creek to less than significant.

5.2 Long-term Impacts

Plant communities existing within and along the perimeters of the proposed Project site have been previously disturbed by past land uses (e.g., clearing and grading, long-term dust impacts, etc.). Although portions may be intact, the habitat value of these plant communities has been substantially reduced due to fragmentation, introduction of non-native vegetation, and ongoing disturbance. However, the proposed Project includes the installation of multiple lawn areas, ornamental plantings, decomposed granite walkways, a creek side walk/bike trail, fencing, pole barn, restroom, parking lot and a cul-de-sac turnaround. Ultimate construction of these facilities/structures would result in the permanent loss of a small portion of coyote brush scrub habitat (<0.5-acre) and have the potential to result in further degradation of the riparian scrub habitat of Nipomo Creek which is known to support special-status species, including but not limited to CRLF and southwestern pond turtle.

Loss of non-native, ruderal habitat areas is not considered a significant impact to wildlife because it supports a relatively low density and diversity of wildlife species. Although coyote brush scrub provides moderate foraging and nesting habitat for wildlife species, it is not considered a sensitive plant community. Therefore, the permanent loss of coyote brush scrub associated with the proposed Project is not considered a significant impact. However, long-term impacts to the riparian scrub community and in-stream habitat of Nipomo Creek would be considered significant. In addition, loss of any of the existing coast live oaks associated with the riparian scrub habitat of Nipomo Creek would be considered significant because of their high habitat value and declining abundance within San Luis Obispo County. Specifically, the proposed Project would not result in any direct impacts to the existing creek channel; however,

the proposed walk/bike trail would provide direct public access to the creek corridor which may result in secondary impacts (i.e., wildlife harassment, habitat disturbance, etc.) to sensitive habitat areas. Further, construction of the proposed cul-de-sac turnaround has the potential to result in direct, permanent impacts to the existing riparian scrub habitat of Nipomo Creek and long-term, secondary impacts to in-stream water quality due to storm water runoff. Lastly, proposed park landscaping has the potential to result in the introduction of non-native, invasive plant species to the riparian corridor of Nipomo Creek and surrounding areas (e.g., periwinkle, German ivy, etc.).

Therefore, preliminary construction activities and future development and public use of proposed park amenities (i.e., increased human activity) would have the potential to result in both short-term and long-term impacts to the riparian scrub and in-stream habitat of Nipomo Creek and associated special-status species with the potential to occur in the Project area. The implementation of the mitigation measures outlined below would reduce potential short-term and long-term biological resources impacts to less than significant.

6.0 RECOMMENDED MITIGATION MEASURES

Past and current land use practices have significantly impacted the extent and diversity of the plant and wildlife communities within the Project area. However, to reduce potential impacts which may result from implementation of the proposed Project, the following measures are being recommended:

1. Project construction activities shall be conducted prior to, or after, the nesting season (February 15 to September 15) to avoid any potential impacts to nesting birds protected under the MBTA. This shall include any necessary vegetation and/or tree removals which could disrupt nesting birds. Therefore, construction activities should be conducted between the months of October and January to the extent feasible;
2. If Measure No. 1 is infeasible, pre-construction surveys shall be conducted by a qualified biologist two weeks prior to the initiation of construction activities initiated between February 15 and September 15 (i.e., nesting bird season) to identify potential bird nesting sites:
    a. If active nest sites of common bird species protected under the MBTA (e.g., northern mockingbird, house finch, etc.) and Fish and Game Code 3503 and 3503.5 are observed within 300 feet of construction activities, then the project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young; and,
    b. If active nest sites of raptors and/or species of special concern are observed within the vicinity of the Project site, construction shall be avoided or terminated until CDFG is contacted and an appropriate buffer zone around the nest site is established. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest, or

the nest is abandoned.

3. A qualified biologist shall be retained to conduct a pre-construction survey of the Riparian Scrub (Nipomo Creek) and Coyote Brush Scrub areas in the vicinity of the Project site. In the event that any special-status species are identified within the Project area (i.e., CRLF, southwestern pond turtle, coast horned lizard), all work shall be delayed and the appropriate agencies shall be contacted for further consultation. As necessary, appropriate regulatory agency permits and/or approvals shall be obtained to allow relocation of special-status species from the Project area;

4. All equipment staging, construction-crew parking areas shall be established within pre-designated staging areas identified on construction plans. This shall include pre-designation of all staging areas to facilitate completion of the development activities. Additionally, all construction access routes shall be established in previously disturbed areas and/or existing roadways;

5. Exclusionary fencing will be erected at the boundaries of the construction areas to avoid equipment and human intrusion into adjacent habitats with emphasis on protection of areas containing special-status species (i.e., Nipomo Creek). The exact location of exclusionary fencing for each construction area shall be determined by a qualified biological monitor. The fencing shall remain in place throughout the construction phase for each individual project component;

6. During construction, washing of concrete, or equipment and refueling and maintenance of equipment shall occur only in designated areas. Hay bales, sandbags, and sorbent pads shall be available to contain spilled fuel and/or equipment lubricants to prevent migration into Nipomo Creek;

7. Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present;

8. The construction zone shall be kept free from litter by providing suitable disposal containers for trash and all construction-generated material wastes. These containers shall be emptied at regular intervals and the contents properly disposed;

9. A qualified biological monitor shall conduct a worker orientation for all construction contractors (site supervisors, equipment operators and laborers) which emphasizes the potential for presence of special-status species within the project site (i.e., CRLF, coast horned lizard), identification, their habitat requirements, and applicable regulatory policies and provisions regarding their protection, and measures being implemented to avoid and/or minimize impacts;

10. A 50-foot set-back from the Nipomo Creek channel shall be illustrated on final construction plans and adhered to throughout the project. At no time shall any equipment and/or materials staging be allowed with the designated 50-foot set-

back area.

11. Prior to commencing construction, the applicant shall prepare the following plans and agency permit applications, and shall implement all plans prior to, during, and immediately following construction activities:

    a. In compliance with the San Luis Obispo County Land Use Ordinance, the applicant shall prepare an Erosion and Sedimentation Control Plan (ESCP) outlining the measures to address both temporary (i.e., site disturbance and stock piling) and final (i.e., post-construction) methods for stabilizing soil and minimizing soil loss from the proposed Project site. All applicable measures shall be included on final construction plans and adhered to throughout the project.

    b. All project operations shall comply with the requirements under the General Construction Storm Water General Permit, issued by the State Water Resources Control Board (SWRCB) (Permit Order 99-08-DWQ). Such requirements will include preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include provisions for the installation and maintenance of Best Management Practices to reduce the potential for erosion of disturbed soils at the Project site.

    c. A Spill Contingency Plan (SCP) outlining measures to prevent the release of petroleum and hazardous materials including containment methods for emergency clean-up operations. Prevention measures shall include, but not be limited to identification of appropriate fueling areas away from sensitive habitat areas such as swales and/or drainages, a maintenance schedule for equipment, and a list of appropriate containment and spill response materials to be stored on-site. All vehicles shall be staged only in appropriately marked and protected areas and at no time shall any cleaning and/or refueling of equipment be allowed upslope and/or within the vicinity of any drainages. If an accidental spill of a hazardous or toxic material occurs, the Regional Water Quality Control Board (RWQCB), CDFG and California Department of Toxic Substances (CDTS) shall be notified.

12. The proposed walk/bike trail and cul-de-sac turnaround shall be installed greater than 50 feet from the top of bank of Nipomo Creek. The final location of the walk/bike trail, cul-de-sac turnaround and associated 50-foot buffer shall be illustrated on all final plans and shall include permanent fencing and signage informing the public of that the creek corridor as a "Sensitive Habitat Area".

13. Any required night-time park lighting should be shielded away from adjacent wildlife habitat areas of Nipomo Creek and pointed downward to minimize lighting glare/impacts of wildlife.

14. In the event that a storm water drop inlet is required along the cul-de-sac turnaround to Nipomo Creek then the appropriate regulatory agency permits shall be obtained prior to installation (e.g., CDFG, RWQCB, Corps, etc.). As necessary, impacted areas due tot installation of the storm drainage system shall be mitigated per agency permit requirements. Lastly, all drop inlets shall contain appropriate oil/water separators per current regulatory standards for protection of water quality.

15. To the extent feasible, the final landscape plan for the proposed park shall emphasize the use of California native, drought-tolerant plant species and shrubs. At no time shall any plant species listed by the California Invasive Plant Council (Cal-IPC) be included in the final landscaping plan for the proposed park.

The implementation of the above-mentioned measures should reduce the environmental impacts associated with the NCSD proposed Miller Park project to less than significant levels.

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FIGURES

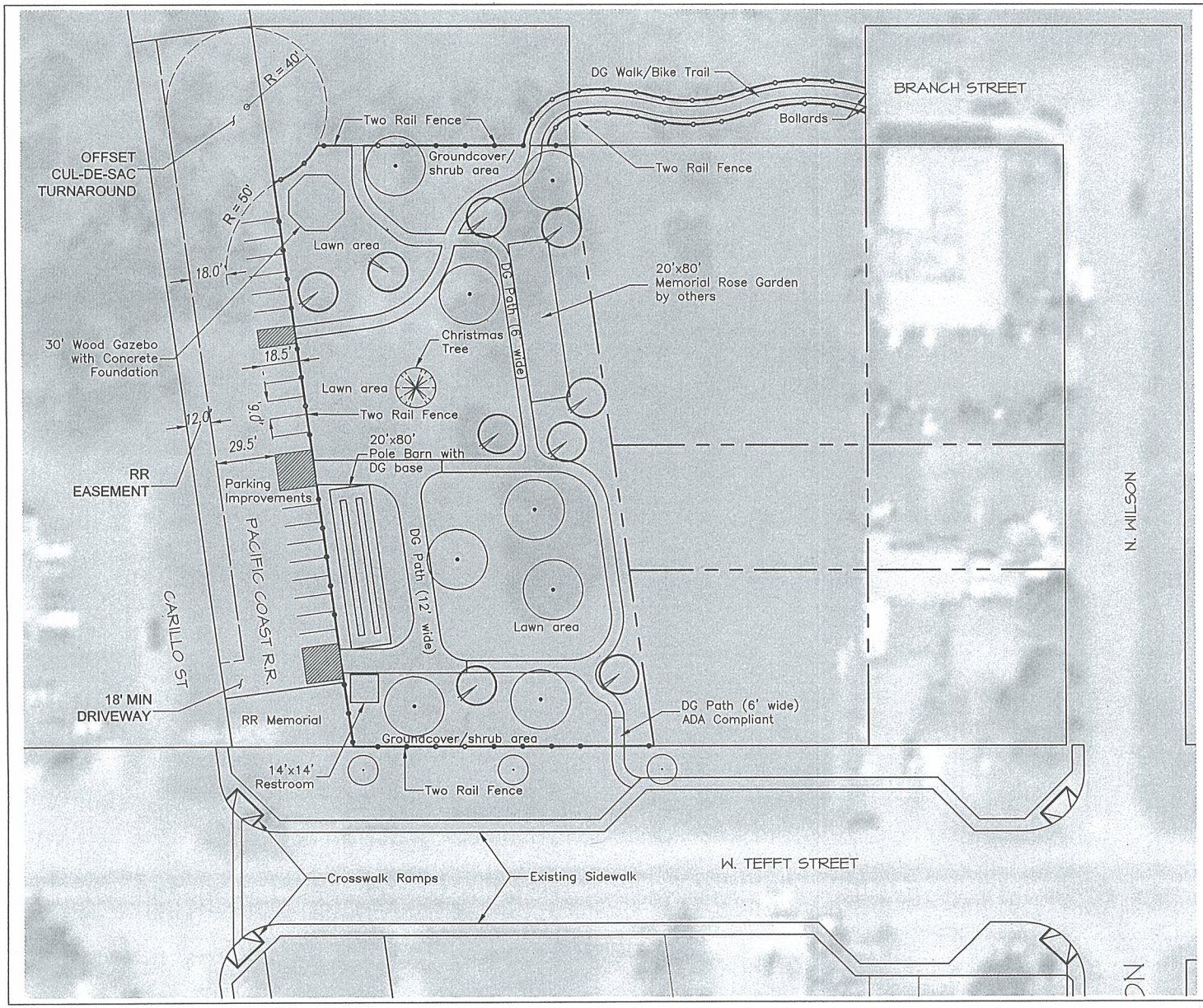
July 2009
Project No. 0902-1111

padre associates, inc.
ENGINEERS, GEOLOGISTS & ENVIRONMENTAL SCIENTISTS

SITE LOCATION MAP

FIGURE 1

Nipomo Community Services District
Miller Park Development
San Luis Obispo County, California



NORTH

50 25 0 50

SCALE: 1"=50'-0"

WALLACE GROUP

CIVIL ENGINEERING
CONSTRUCTION MANAGEMENT
LANDSCAPE ARCHITECTURE
MECHANICAL ENGINEERING
PLANNING
PUBLIC WORKS ADMINISTRATION
SURVEYING / GIS SOLUTIONS
WATER RESOURCES
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SAN LUIS OBISPO, CA 9
T 805 544-4011 F 805 544-
www.wallacegroup.us

FIGURE 2
MILLER PARK
SITE FACILITIES
NIPOMO COMMUNITY SERVICES DISTRICT

JOB No. :	0673-0
DRAWING :	BASE PL
DRAWN BY:	SJC/MJB
DATE :	9-25-07
SCALE :	1" = 50'

July 2009
Project No. 0902-1111

padre associates, inc.
ENGINEERS, GEOLOGISTS & ENVIRONMENTAL SCIENTISTS

Nipomo Community Services District
Miller Park Development
Nipomo, San Luis Obispo, California

PLANT COMMUNITY MAP

FIGURE 3

APPENDIX A
SITE PHOTOGRAPHS

1. Proposed Miller Park development site; ruderal (disturbed) plant community was recently mowed (aspect north; 05/07/09).

2. Northern border of proposed development site (aspect east; 05/07/09).

3. Approximate location of proposed decomposed granite walkway within coyote scrub habitat (aspect west; 05/07/09).

4. Additional view of dense coyote scrub habitat (aspect east; 05/07/09).

5. Upstream view of Nipomo Creek channel and riparian scrub plant community (aspect east).

6. Downstream view of Nipomo Creek channel (aspect west).

APPENDIX B
VASCULAR PLANT INVENTORY

Vascular Plant Flora Observed in the
Nipomo Community Services District Miller Park Development Area
San Luis Obispo County, California

Scientific Name	Common Name	Habit	Wetland Indicator Status	Family	Non-Native? 1- Yes 0- No
*Anagallis arvensis**	Scarlet pimpernel	AH	FAC	Primulaceae	1
*Anthemis cotula**	Mayweed	AH	FACU	Asteraceae	1
Artemisia douglasiana	Mugwort	PH		Asteraceae	0
*Avena fatua**	Wild oat	AG	.	Poaceae	1
Baccharis pilularis [B.p. var. *consaguinea]*	Coyote brush	S	.	Asteraceae	0
*Brassica nigra **	Black mustard	AH	.	Brassicaceae	1
*Bromus diandrus**	Ripgut grass	AG	.	Poaceae	1
*Cardaria draba**	Hoary cress	AH	.	Brassicaceae	1
*Carduus pycnocephalus**	Italian thistle	AH	.	Asteraceae	1
*Conium maculatum**	Poison hemlock	BH	FAC	Apiaceae	1
*Convolvulus arvensis**	Bindweed	PH	.	Convolvulaceae	1
Cyanara sp.	Artichoke	PH		Asteraceae	1
Distichlis spicata	Salt grass	AG	.	Poaceae	0
*Ehrharta calycina**	Veldt grass	PG	.	Poaceae	1
*Erodium cicutarium **	Redstem filaree	AH	.	Geraniaceae	1
Heterotheca grandiflora	Telegraph weed	AH	.	Asteraceae	1
Hordeum murinum ssp. *murinum**	Foxtail barley	AG	NI	Poaceae	1
*Lolium multiflorum**	Italian ryegrass	AG	NI	Poaceae	1
*Malva parviflora**	Cheese weed	AH	.	Malvaceae	1
*Marrubium vulgare**	Horehound	AH	.	Lamiaceae	1
*Medicago polymorpha**	Bur clover	AH	.	Fabaceae	1
Nasella pulchra	Purple needlegrass	PG	.	Poaceae	0
*Picris echioides **	Bristly ox-tongue	AH	FAC	Asteraceae	1
*Foeniculum vulgare**	Sweet fennel	BH	.	Apiaceae	1
Quercus agrifolia	Coast live oak	T	.	Fagaceae	0
Raphanus sativus	Radish	AH	.	Brassicaceae	1
Rosa califrnica	Wild rose	S	.	Rosacea	0
Salix lasiolepis	Arroyo willow	S	FACW	Salicaceae	0
Salvia mellifera	Black sage	S	.	Lamiaceae	0
Scrophularia californica	California figwort	AH	.	Scrophulariaceae	0
*Silybum marianum**	Milk thistle	AH	.	Asteraceae	1
Toxicodendron diversilobum	Poison oak	S	.	Anacardiaceae	0
*Vicia benghelensis**	Purple vetch	AH	.	Fabaceae	1
Vinca major	periwinkle	AH	.	Apocyanaceae	1
					24

Notes: Scientific nomenclature follows Hickman (1993).
"*" indicates non-native species which have become naturalized or persist without cultivation.
"**" indicates species was planted as landscaping.

Habit definitions:
AF = annual fern or fern ally.
AG = annual grass.
AH = annual herb.
BH = biennial herb.
PF = perennial fern or fern ally.
PG = perennial grass.
PH = perennial herb.
PV = perennial vine.
S = shrub.
T = tree.

Wetland indicator status (Reed 1988): OBL = obligate wetland species, occurs almost always in wetlands (>99% probability)
FACW = facultative wetland species, usually found in wetlands (67-99% probability).
FAC = facultative species, equally likely to occur in wetlands or nonwetlands (34-67% probability).
FACU = facultative upland species, usually occur in nonwetlands (67-99% probability).
+ or - symbols are modifiers that indicate greater or lesser affinity for wetland habitats.
NI = no indicator has been assigned due to a lack of information to determine indicator status.
* = a tentative assignment to that indicator status by Reed (1988).
A period "." indicates that no wetland indicator status has been given in Reed (1988).

APPENDIX C

WILDLIFE OBSERVED OR EXPECTED TO OCCUR WITHIN THE SURVEY AREA

WILDLIFE SPECIES OBSERVED OR LIKELY TO OCCUR IN THE VICINITY OF THE NCSD MILLER PARK DEVELOPMENT PROJECT, NIPOMO, SAN LUIS COUNTY, CALIFORNIA

Common Name	*Scientific Name*	Observed During Field Surveys	Residence Status	Protected Status	Habitat
Fishes					
Mosquitofish	*Gambusia affinis*		R	-	A
Amphibians					
Black-bellied slender salamander	*Batrachoseps nigriventris*		R	-	W
Western toad	*Bufo boreas*		R	--	A,R
California toad	*Bufo boreas halophilus*		R	--	A,R
Ensatina	*Ensatina eschscholtzii*		R	--	R,G,P
Pacific treefrog	*Hyla regilla*		R	--	A,R
California red-legged frog	*Rana aurora draytonii*		R	FT, CSC	A,R
Bullfrog	*Rana catesbeiana*		R	--	A,R
Reptiles					
Southwestern pond turtle	*Clemmys marmorata pallida*		R	CSC	A,R
Western whiptail	*Cnemidophorus tigris*		R	--	G,P
Racer	*Coluber constrictor*		R	--	G
Sharp-tailed snake	*Contia tenuis*		R	--	M
Southern Pacific rattlesnake	*Crotalus oreganus helleri*		R	--	M
Northern Pacific rattlesnake	*Crotalus oreganus oreganus*		R	--	M
Western rattlesnake	*Crotalus viridis*		R	--	R,G,P
Ringneck snake	*Diadophis punctatus*		R	--	R,G,P
Western skink	*Eumeces skiltonianus*		R	--	G
Southern alligator lizard	*Gerrhonotus multicarinatus*		R	--	A,R,G
California nightsnake	*Hypsiglena torquata nuchalata*		R	--	M
Common kingsnake	*Lampropeltis getulus*		R	--	A,R,P,M
Red coachwhip	*Masticophis flagellum piceus*		R	--	M
California striped racer	*Masticophis lateralis*		R	--	M
Coast horned lizard	*Phrynosoma coronatum frontale*		R	CSC	G,P
Pacific gopher snake	*Pituophis catenifer*		R	--	R,G,P
Sagebrush lizard	*Sceloporus graciosus*		R	--	G,P
Western fence lizard	*Sceloporus occidentalis*	x	R	--	G,D,P,M
Santa Cruz gartersnake	*Thamnophis atratus atratus*		R	--	M
Western aquatic garter snake	*Thamnophis couchi*		R	--	A,R
Terrestrial garter snake	*Thamnophis elegans*		R	--	R,G,P
Common garter snake	*Thamnophis sirtalis*		R	--	R,G,P
California red-sided gartersnake	*Thamnophis sirtalis infernalis*		R	--	M
Side-blotched lizard	*Uta stanburiana*		R	--	G,D,P,M
Birds					
Allen's hummingbird	*Selasphorus sasin*		B	M	R,G,P
American avocet	*Recurvirostra americana*		R	M	W, C
American crow	*Corvus brachyrhynchos*	x	R	M	M
American Golden-Plover	*Pluvialis dominica*			M	A, W, C
American goldfinch	*Carduelis tristis*		R	M	R,P
American kestrel	*Falco sparverius*		R	M	R,G,P
American robin	*Turdus migratorius*		R	M	P,G
Anna's hummingbird	*Calypte anna*		R	M	R,G,P
Ash-throated flycatcher	*Myiarchus cinerascens*		B	M	R,G,P
Barn swallow	*Hirundo rustica*		B	M	R,G

Common Name	*Scientific Name*	Observed During Field Surveys	Residence Status	Protected Status	Habitat
Bewick's wren	*Thryomanes bewickii*	x	R	M	R,G
Black phoebe	*Sayornis nigricans*		R	M	R,G,P
Black tern	*Chlidonias niger*		B	M	W, C
Black-chinned hummingbird	*Archilochus alexandri*		B	M	R,G,P
Black-throated gray warbler	*Dendroica nigrescens*		B	M	G,P
Blue grosbeak	*Guiraca caerulea*		B	M	R,W,G
Blue-gray gnatcatcher	*Polioptila caerulea*		B	M	R,G
Bonaparte's Gull	*Larus philadelphia*		B	M	A, W, C
Brewer's blackbird	*Euphagus cyanocephalus*	x	R	M	R,W,G
Brown-headed cowbird	*Molothrus ater*		R	M	R,W,G
Bullock's oriole	*Icterus bullockii*		B	M	R,P
Bushtit	*Psaltriparus minimus*	x	R	M	P
California Gull	*Larus californicus*		R	M	A, W, C
California Quail	*Callipepla californica*	x	R	M	D,G,P, R
California thrasher	*Toxostoma redivivum*	x	R	M	W,G
California towhee	*Pipilo crissalis*	x	R	M	W, G
Canada Goose	*Branta canadensis*		B	M	A, W, C
Canvasback	*Aythya valisineria*		W	M	A, W, C
Caspian Tern	*Sterna caspia*		B	M	A, W, C
Cassin's kingbird	*Tyrannus vociferans*		B	M	G
Cassin's vireo	*Vireo cassinii*		B	M	W,R
Cassin's finch	*Carpodacus cassinii*		R	M	M
Cedar waxwing	*Bombycilla cedrorum*		W	M	G,W
Chestnut-backed chickadee	*Parus rufescens*		R	M	R,P
Cliff swallow	*Hirundo pyrrhonota*		B	M	R,G
Common merganser	*Mergus merganser*		W	M	W, R
Common raven	*Corvus corax*		R	M	M
Common tern	*Sterna hirundo*		B	M	A, W, C
Common yellowthroat	*Geothlypis trichas*		R	M	W,R
Cooper's hawk	*Accipiter cooperii*		R	M, CSC (nesting)	R,G
Costa's hummingbird	*Calypte costae*		B	CSC (nesting), M	R,G,P
Dark-eyed junco	*Junco hyemalis*		R	M	R,W,G
Downy woodpecker	*Picoides pubescens*		R	M	R,P
Elegant Tern	*Sterna elegans*			M	A, W, C
European starling	*Sturnus vulgaris*	x	R	--	R,P
Ferruginous hawk	*Buteo regalis*		W	CSC (wintering), M	R,G
Forster's tern	*Sterna forsteri*		B	M	A, W, C
Fox sparrow	*Passerella iliaca*		W	M	G,W
Golden eagle	*Aquila chrysaetos*		R	M, CSC (nesting and wintering),	R,G,P
Golden-crowned sparrow	*Zonotrichia atricapilla*		W	M	W, R
Great blue heron	*Ardea herodias*		R	M	W, R, B
Great horned owl	*Bubo virginianus*		R	M	R,G,P
Greater roadrunner	*Geococcyx californianus*		R	M	M
Greater Scaup	*Aythya marila*			M	A, W, C
Great-tailed grackle	*Quiscalus mexicanus*		R	M	M
Green heron	*Butorides virescens*		R	M	W, R
Hairy woodpecker	*Picoides villosus*		R	M	W, R
Hermit thrush	*Catharus guttatus*		W	M	R,G
Hermit warbler	*Dendroica occidentalis*		W	M	P

Common Name	*Scientific Name*	Observed During Field Surveys	Residence Status	Protected Status	Habitat
Hooded Merganser	*Lophodytes cucullatus*		W	M	A, W, C
Hooded oriole	*Icterus cucullatus*		B	M	M
House finch	*Carpodacus mexicanus*	x	R	M	R,G,P
House sparrow	*Passer domesticus*		R	--	D
House wren	*Troglodytes aedon*		R	M	R,G
Hutton's vireo	*Vireo huttoni*		R	M	W,R
Killdeer	*Charadrius vociferus*	x	R	M	W,G
Lark sparrow	*Chondestes grammacus*	x	B	M	G
Lawrence's goldfinch	*Carduelis lawrencei*		R	M	R,P
Lazuli bunting	*Passerina amoena*		B	M	R,W,G
Least Sandpiper	*Calidris minutilla*		W	M	A, W, C
Lesser goldfinch	*Carduelis psaltria*	x	B	M	R,P
Lesser Scaup	*Aythya affinis*		W	M	A, W, C
Lewis's woodpecker	*Melanerpes lewis*		W	M	P
Lincoln's sparrow	*Melospiza lincolnii*		W	M	W,R
Long-billed Dowitcher	*Limnodromus scolopaceus*			M	A, W, C
MacGillivray's warbler	*Oporonis tolmiei*		B	M	W,R
Mallard	*Anas platyrhynchos*		R	M	M
Marbled Godwit	*Limosa fedoa*			M	A, W, C
Merlin	*Falco columbarius*		W	M, CSC (wintering)	R,G,P
Mourning dove	*Zenaida macroura*		R	M	R,G
Nashville warbler	*Vermivora ruficapilla*		B	M	R, W
Northern flicker	*Colaptes auratus*		R	M	R,P
Northern harrier	*Circus cyaneus*		R	M, CSC (wintering)	W,G
Northern mockingbird	*Mimus polyglottos*	x	R	M	R
Northern rough-winged swallow	*Stelgidopteryx serripennis*		B	M	R,G
Northern saw-whet owl	*Aegolius acadicus*		R	M	R,G,P
Nuttall's woodpecker	*Picoides nuttallii*		R	M	R,P
Oak titmouse	*Baeolophus inornatus*		R	M	R,P
Orange-crowned warbler	*Vermivora celata*		R	M	G,P
Red-breasted nuthatch	*Sitta canadensis*		W	M	P
Red-breasted sapsucker	*Sphyrapicus ruber*		B	M	R,P
Redhead	*Aythya americana*			M	A, W, C
Red-necked Stint	*Calidris ruficollis*			M	A, W, C
Red-shouldered hawk	*Buteo lineatus*	x	R	M	R,G
Red-tailed hawk	*Buteo jamaicensis*	x	R	M	R,G
Red-winged blackbird	*Agelaius phoeniceus*		R	M	W, R
Ring-billed Gull	*Larus delawarensis*		R	M	A, W, C
Ring-necked Duck	*Aythya collaris*		B	M	A, W, C
Rock dove	*Columba livia*		R	--	D
Rock wren	*Salpinctes obsoletus*		R	M	M
Royal Tern	*Sterna maxima*		B	M	A, W, C
Ruby-crowned kinglet	*Regulus calendula*		W	M	P
Rufous-crowned sparrow	*Aimophila ruficeps*		R	M	G
Sage sparrow	*Amphispiza b. belli*		R	CSC, M	G,W
Sanderling	*Calidris alba*		W	M	A, W, C
Savannah sparrow	*Passerculus sandwichensis*		R	M	G
Say's phoebe	*Sayornis saya*		R	M	G
Semipalmated plover	*Charadrius semipalmatus*		W	M	W, C
Semipalmated Sandpiper	*Calidris pusilla*		W	M	A, W, C

Common Name	*Scientific Name*	Observed During Field Surveys	Residence Status	Protected Status	Habitat
Sharp-shinned hawk	*Accipiter striatus*		W	M, CSC (nesting)	P,R,G
Short-billed Dowitcher	*Limnodromus griseus*		W	M	A, W, C
Short-eared owl	*Asio flammeus*		W	CSC (nesting), M	R,P,W
Song sparrow	*Melospiza melodia*		R	M	G,W
Spotted sandpiper	*Actitis macularia*		B	M	W
Spotted towhee	*Pipilo maculatus*	x	R	M	R,P
Swainson's thrush	*Catharus ustulatus*		B	M	P
Townsend's warbler	*Dendroica townsendi*		W	M	P
Tree swallow	*Tachycineta bicolor*		R	M	R,G
Tri-colored blackbird	*Agelaius tricolor*		R	M, CSC	R, W
Turkey vulture	*Cathartes aura*	x	R	M	R,G,P
Violet-green swallow	*Tachycineta thalassina*		R	M	R,G
Warbling vireo	*Vireo gilvus*		R	M	W,R
Western bluebird	*Sialia mexicana*		R	M	R
Western Grebe	*Aechmophorus occidentalis*		R	M	A, W, C
Western Gull	*Larus occidentalis*		R	M	A, W, C
Western kingbird	*Tyrannus verticalis*		B	M	G
Western meadowlark	*Sturnella neglecta*		R	M	G
Western sandpiper	*Calidris mauri*		R	M	A, W, C
Western screech-owl	*Otus kennicottii*		R	M	R,G,P
Western scrub-jay	*Aphelocoma californica*	x	R	M	R,G,P
White throated swift	*Aeronautes saxatalis*		R	M	R,G,P
White-breasted nuthatch	*Sitta carolinensis*		R	M	P
White-crowned sparrow	*Zonotrichia leucophrys*		R	M	R,W,G
White-tailed kite	*Elanus leucurus*		R	M, FSC (nesting),	G,P
Wilson's warbler	*Wilsonia pusilla*		B	M	W,R
Wrentit	*Chamaea fasciata*	x	R	--	R
Yellow warbler	*Dendroica petechia*		B	CSC (nesting), M	R
Yellow-billed magpie	*Pica nuttalli*		R	M	W,G
Yellow-rumped warbler	*Dendroica coronata*		B	M	G,P
Terrestrial Mammals					
Pallid bat	*Antrozous pallidus*		R	CSC	M
Domestic dog	*Canis familiaris*		R	--	D
Coyote	*Canis latrans*		R	--	M
California pocket mouse	*Chaetodipus californicus*		R	--	M
Townsend's Big-eared Bat	*Corynorhinus townsendii*		R		G, M
Virginia opossum	*Didelphis virginiana*		R	--	R,P
Big brown bat	*Episticus fuscus*		R	--	M
Western mastiff bat	*Eumops perotis*		R	CSC	M
Domestic cat	*Felis catus*		R	--	M
Mountain lion	*Felis concolor*		R	--	R,P
Western Red Bat	*Lasiurus blossevillii*		R		M
Red bat	*Lasiurus borealis*		R	--	M
Hoary bat	*Lasiurus cinereus*		R	--	M
Western yellow bat	*Lasiurus xanthinus*		R	--	M
Black-tailed jackrabbit	*Lepus californicus*		R	--	P,G
Bobcat	*Lynx rufus*		R	--	R
Striped skunk	*Mephitis mephitis*		R	--	R,G
California vole	*Microtus californicus*		R	--	R,G,W
House mouse	*Mus musculus*		R	--	D

Common Name	*Scientific Name*	Observed During Field Surveys	Residence Status	Protected Status	Habitat
Long-tailed weasel	*Mustela frenata*		R	--	M
California myotis	*Myotis californicus*		R	--	P
Western Small-footed Myotis	*Myotis ciliolabrum*		R	--	M
Long-eared myotis bat	*Myotis evotis*		R	--	R,P
Fringed myotis bat	*Myotis thysanodes*		R	--	P
Fringed Myotis	*Myotis thysanodes*		R	--	M
Long-legged myotis bat	*Myotis volans*		R	--	P
Yuma myotis	*Myotis yumanensis*		R	--	P, G, R
Dusky-footed woodrat	*Neotoma fuscipes*		R	CSC	R,P
Mule deer	*Odocoileus hemionus*		R	--	R,G
White-eared Pocket Mouse	*Perognathus alticolus*		R	--	M
San Joaquin pocket mouse	*Perognathus inornatus inornatus*		R	--	M
Little Pocket Mouse	*Perognathus longimembris*		R	--	M
Pacific pocket mouse	*Perognathus longimembris pacificus*		R	--	M
Brush mouse	*Peromyscus boylii*		R	--	G
California mouse	*Peromyscus californicus*		R	--	G
Deer mouse	*Peromyscus maniculatus*		R	--	M
Pinyon Mouse	*Peromyscus truei*		R	--	M
Western pipistrelle	*Pipestrellus hesperus*		R	--	M
Townsend's big-eared bat	*Plecotus townsendii*		R	CSC	M
Raccoon	*Procyon lotor*		R	--	M
Mountain Lion	*Puma concolor*		R	--	P, R, B
Norway rat	*Rattus norvegicus*		R	--	D
Black rat	*Rattus rattus*		R	--	M
Western harvest mouse	*Reithrodontomys megalotis*		R	--	G
Broad-footed Mole	*Scapanus latimanus*		R	--	M
Western gray squirrel	*Sciurus griseus*		R	--	R,P
Ornate Shrew	*Sorex ornatus*		R	--	M
California ground squirrel	*Spermophilus beecheyi*	x	R	--	G
Western spotted skunk	*Spilogale gracilis*		R	--	R
Wild Pig	*Sus scrofa*		R	--	M
Audubon's cottontail	*Sylvilagus audubonii*		R	--	M
Brush rabbit	*Sylvilagus bachmani*		R	--	R
Brazilian free-tailed bat	*Tadarida brasiliensis*		R	--	R,P,G
American badger	*Taxidea taxus*		R	SSC	M
Botta's pocket gopher	*Thomomys bottae*	x	R	--	R,G,P
San Joaquin kit fox	*Vulpes macrotis mutica*		R	ST, FE	M
Gray fox	*Urocyon cinereoargenteus*		R	--	M

Residence Status

R = Permanent resident

W- Winter resident

B = Summer resident

Protected Status

FE – Federal endangered species

FT -- Federal threatened species

FC – Federal candidate species

M – Migratory Bird Treaty Act

SE – State endangered species

ST – State threatened species

CSC – California Species of Special Concern

CFP – California Fully Protected Species

MMPA - Marine Mammal Protection Act

Typical Habitat

A – Aquatic

D – Developed areas

G – Grassland

M – Multiple habitats

P – Woodland

R – Riparian

W - Wetland

C - Coastal lagoons, shorelines and oceans

B. CULTURAL RESOURCES SURVEY REPORT

RESULTS OF ARCHIVAL RECORDS SEARCH AND PHASE ONE ARCHAEOLOGICAL SURFACE SURVEY FOR THE MILLER PARK PROJECT, NIPOMO, SAN LUIS OBISPO COUNTY, CA

Prepared for
Mr. Douglas Wood & Associates
San Luis Obispo, CA

June 7, 2009

GIBSON'S ARCHAEOLOGICAL CONSULTING

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1.00 Summary

Based on an archival records search and a phase one archaeological surface survey of a 1.4-acre parcel, no significant prehistoric cultural resources were identified on the parcel. The parcel area is shown on historic maps to have contained a depot for the Pacific Coast Railway and has been recorded as a historic site. No evidence of any above ground structures of other facilities have been identified in previous or in the current survey. However, it is possible that subsurface evidence of the original depot is present.

Therefore, it is recommended that a qualified historic archaeologist familiar with the Pacific Coast Railway history conduct monitoring of the initial grading for the project. The archaeologist should prepare a historic monitoring program and conduct a preconstruction workshop. Also the design for the Miller Park should minimize subsurface disturbances and major grading of the depot area if possible.

Therefore, with a historic monitoring program, the proposed development of the Miller Park on the parcel should not have an adverse impact on any known cultural resources.

The existing Pacific Coast Railway plaque and crossing sign and rails should remain in their current location.

2.00 Introduction

On May 24, 2009, at the request of Douglas Wood, Douglas Wood and Associates, Inc., 1461 Higuera Street, Suite "A", San Luis Obispo, CA 93401, an archival records check and phase one archaeological surface survey were conducted for about a 1.4 acre parcel, located north of Tefft Street, east of Highway 101 in the town of Nipomo in southern San Luis Obispo County, CA (see Maps 1 and 2).

The purpose of the archival records review and archaeological surface survey was to determine whether any archaeological/cultural resources were present on the parcel and, if so, to map their extent based on surface examination and also, on a preliminary level, to determine the nature and significance of any resources discovered. Also, if necessary, recommendations will be made regarding the treatment of the cultural

resources in the context of the proposed project that will consist of the development of a community park with a rose garden, walking paths and parking (see Map 3).

This archaeological study is being requested by the Nipomo Community Services District, in accordance with the California Environmental Quality Act of 1970 which declares that the policy of the State of California is to: ". . . take all steps necessary to provide the people of this state with . . . enjoyment of . . . historic environmental qualities. . . ." The CEQA definition of "environmental qualities" includes objects of historic, archaeological and aesthetic significance (Public Resources Code Section 21001)(Gammage, Jones and Jones 1975). Because the Nipomo Creek area is a very sensitive archaeological area, projects that are in the area are sometimes required to have a surface survey to identify any cultural materials that may be affected by a proposed project.

Archaeological studies continue to contribute to our knowledge of past cultural patterns and add considerably to our store of information on ancient environments and climatic conditions. Data generated by the systematic surface and subsurface testing of archaeological deposits contributes a significant element to the scientific history of California and to the history of San Luis Obispo County.

Prehistoric archaeological sites are also an integral part of the modern day Native American community. Their history is contained in the sites and most believe it is best left in its natural state. When unavoidable adverse impacts are proposed, most strongly support the best sensitive scientific study that will benefit their culture and the general community.

3.00 Overview of Cultural Resources in Nipomo

This project is within the territory historically occupied by the Obispeño Chumash, the northernmost of the Chumashian speaking peoples of California (Kroeber 1953; Greenwood 1978). Archaeological evidence has revealed that the ancestors of the Obispeño settled in northern Santa Barbara County and San Luis Obispo County more than 9,000 years ago (Greenwood 1972; Gibson 1979). Following an annual cycle of hunting, fishing, fowling and harvesting, the Chumash peoples adapted to changing environmental and social conditions and grew into a large complex society that persists

today. Aboriginal society underwent major changes soon after Spanish contact in A.D. 1769, primarily due to the introduction of epidemic European diseases and the consequent high mortality rate. Most of the Chumash from rancherias in the general area were baptized at San Luis Obispo Mission between AD 1772 and 1805.

The nearest historic Chumash village to the project area was named Nipomo which also called in the Purismeño *anipomo* meaning "promontory'. No mention is made in the San Luis Obispo Mission books of the Chumash village of Nipomo, however, the village of *Laxicto* has a marriage network and baptismal pattern that suggests it is same as the village of Nipomo. A total of 38 people were baptized at San Luis Obispo Mission and 14 people were baptized at La Purisima Mission between A.D. 1781 and A.D. 1802 (King 1984:I-34).

The cemetery and village of Nipomo were located about 1 1/2 miles north of the Dana ranch (site SLO-141). In 1874, Paul Schumacher from the Smithsonian conducted excavations at this village and wrote:

> I explored another aboriginal settlement known by the name of Ni-po-mo. It is situated on the large rancho of like name, about eight miles inland, and distant about a mile and a half from the Nipomo Ranch House (SLO-141), occupied by the hospitable Dana brothers. These graves are also in sandy soil, near a former settlement, the existence of which is well marked by quantities of flint ships, fragments of tools, bones and a few shells. Only about 300 yards from the graves, and nearly in a straight line with them and one of the houses of Nipomo Ranch, there is a large spring of good water, surrounded by willows (Schumacher 1875:342).

The historic Dana adobe is located a few miles south of the project area. The Nipomo Rancho of 37,887 acres was granted in 1835 to Captain William G. Dana. The adobe was built in 1839. This adobe was recorded as SLO-141.

Railroad history in San Luis Obispo County began over 120 years ago. In 1868, John Harford and associates chartered the *People's Wharf Company* to construct a deep-water wharf to serve coastal shipping. At Avila Beach, near Point San Luis, the "*People's Wharf* (located 400' east of the present pier), two large warehouses, a hotel and a 2 ft. 6 in. gauge horse-drawn railroad to connect the wharf with the county road at Avila were all completed in 1873. This became the first narrow gauge railroad in California. The *San Luis Obispo Railroad* was incorporated in 1873 to build a 3 ft. narrow-gauge

railroad from Avila to San Luis Obispo, but construction only progressed as far as Miles which was the homestead of W. Miles and then a stage stop and horse change on the county highway, before funds ran out (Ditmas 1983:277-8). At this point, Charles Goodall of San Francisco bought out Harford and the *San Luis Obispo Railroad*, and in August 1876, completed the 10.75 mile line to San Luis Obispo (Nicholson 1980; Best 1981).

In 1882 the Dana brothers gave a 14 mile strip of land (60' wide) to the Pacific Coast Railway (see Figure 1). In return the railway company promised to establish and maintain a stop adjacent to the Dana ranch and Mrs. Dana (Doña Carillo) was to receive free passes for life on the railway line. Several members of the Dana family were on the original roster of officers and board of directors (Johnson 1982:2). Just north of the town of Nipomo, the railway right of way is visible and old maps show the warehouse adjacent to the tracks and a reference to Elisha Dana just north of the warehouse (see Figures 1 and 2). The track right of way extends on both sides of Nipomo Creek in various. A portion of it was recorded as SLO-1319 but no materials remained after 1942 (Gibson 1995, Gibson and Parsons 1997).

In March 1882, track layers build the narrow gage railroad from Arroyo Grande climbing Los Berros Valley and crossing Nipomo Ranch to reach Santa Maria (then known as Central City) on April 22, 1882. On May 6, 1882, an excursion train reached Nipomo where 1000 people attended a ceremony where the land for the station, warehouse and platform was granted. In 1928, Engine No. 110 proved too heavy for the track just north of Summit and went into the ditch (pictured in Best 1981:82).

Passenger service in 1930 was reduced to a mixed train twice a week to Los Olivos and the rest of the days the train turned around at Orcutt (Best 1981:69). By 1934, regular service had ended and all trains were "extras" (Johnson 1981:25). Service was suspended between Los Alamos to Los Olivos in 1933 and the branch was abandoned in 1936. All passenger service was discontinued in 1937. The tracks had investment costs of $996,652 and an estimated net salvage value of $40,000. The tracks all the way to Port San Luis were pulled up and salvaged in 1941-42. Much of the rails and hardware were shipped to Hawaii and the Southwest Pacific for use at navy supply bases during

World War II. In 1986, the South County Historical Society placed a metal plaque beside Tefft Road and the railroad bed to mark the location. This plaque is located on the west end of the Miller Park project (see Photos 1 and 2).

4.00 Archival Records Search

On May 26, 2009, the author conducted an archival records search at the Central Coast Archaeological Information Center located at the University of California, Santa Barbara. The Central Coast Information Center is the official repository and clearinghouse for all archaeological information on San Luis Obispo and Santa Barbara counties. The archival search yielded information on:

- Previously recorded properties on or near the proposed project parcel,
- Characteristics of previously recorded properties,
- Dates of previous survey and excavation programs, technical reports and authors.

The Nipomo USGS 7.5' topographic map was checked and the archival records search resulted in the identification of three previously recorded archaeological sites in the Nipomo Creek area within 1/4 mile of the Miller Park project, SLO-2136, SLO-2138 and SLO-2139 (see Appendix 1). All are historic sites and SLO-2138 includes a portion of the Miller Park project. That site is located along Tefft Street east of Carrillo Street and includes portions of the Miller Park project. A figure of the area is shown in Westcott and Johnson (1998) and shows a depot measuring 40 feet long and 184 feet long along Carillo Street north of Tefft Street. Pictures also the depot structure in 1890 and 1920's. Map 3 shows in dashed lines the approximate location of the depot on the Miller Park project. Also a second side track parallels the main railroad track and is 1196 feet long and about 15 feet adjacent to the main track is shown on old maps. The 2001 site record notes that no above ground evidence of any railroad facilitites are present but could be present in the subsurface. The surface survey conducted for this study confirms that no above ground structures or facilities are present.

5.00 Results of Phase One Archaeological Survey

The project parcel is located on the north side of Tefft Street and is a flat river terrace located about 100 meters or less east of Nipomo Creek and would have been subject to seasonal flooding of the creek. Soil is a very dark clayey loam with small gravels typical of alluvial surfaces. The parcel is bounded on the north by Branch Street and by Cabrillo (named after Mrs. Dana Carillo) on the west and Tefft on the south side.

The archaeological surface survey consisted of one archaeologist and one assistant, zig-zagging back and forth, walking the parcel in 5 meter transects examining the surface of the open space for signs of prehistoric cultural materials (including marine shell fragments, stone tools, stone flakes, bone, burnt rock, etc) or any significant historic cultural materials (including purple glass, historic metals, pottery shards, railroad ties and spikes, etc).

The area was heavily vegetated in tall, dry grasses, which had been recently mowed. The northern end section of the lot (approximately 5 meters wide along the length of the lot) had not been mowed and could not be surveyed due to heavy dry grass vegetation and brush. For most of the parcel, surface visibility was adequate to see cultural materials.

Noted during the survey were nine pieces of historical glass, including iridescent bottle fragments and one large glass fragment from the lip of a root beer colored bottle. White porcelain fragments were also found scattered across the site, as were more modern metal fragments, including modern can pull-tabs.

Shell fragments noted included six Pismo Clam (*Tivela stultorum*) shell fragments, including one nearly complete half shell and one hinge. These were not very weathered and were not the typical immature width shells found in prehistoric sites. Also noted were three small fragments of banded Monterey Chert, although quality and shape of fragments were probably from mechanically broken gravels.

No prehistoric or significant historic cultural materials were observed on the 1.4-acre parcel. No previous surveys have identified any prehistoric sites on the parcel. The Pacific Coast Railway right of way on the west part of the parcel is a significant cultural resource. It is unknown if any subsurface evidence of the depot or other facilities

remain. The tracks and ties were removed in about 1942. It is assumed the plaque and railroad crossing sign will remain in their current location.

6.00 Recommendations

Based on an archival records check and phase one surface survey for the 1.4 acre parcel for the Miller Park in Nipomo, north of Tefft Street, no significant prehistoric cultural resources were identified on the parcel. It is assumed the Pacific Coast Railway right of way plaque and railroad crossing sign will remain in their current location.

However, it is recommended that a qualified historic archaeologist with local knowledge of the Pacific Coast Railway history be involved in the preconstruction and grading phase of the project. A monitoring plan should be prepared and preconstruction workshop should be given to the construction crew. Members of the Pacific Coast Railway Museum should be notified and may assist in monitoring or in any assessment that may need to be done if subsurface evidence of the depot or other facilities area unearthed.

It is also recommended that as much as feasible, the project should be designed that limits subsurface disturbances or major grading to avoid potential impacts to any historic resources that may be present.

Therefore, with a historic monitoring program, the proposed development of the Miller Park on the parcel should not have an adverse impact on any known cultural resources.

7.00 References

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Nicholson, Loren
1980 Rails Across the Ranchos. Valley Publishers: Fresno, California.

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1992 Results of Phase 2 Archaeological Investigations for the UNOCAL - Sisquoc Pipeline, Northern Santa Barbara County, CA. Prepared for UNOCAL Pipeline Company, Los Angeles, CA Report on file with Information Center at University of California at Santa Barbara, CA.

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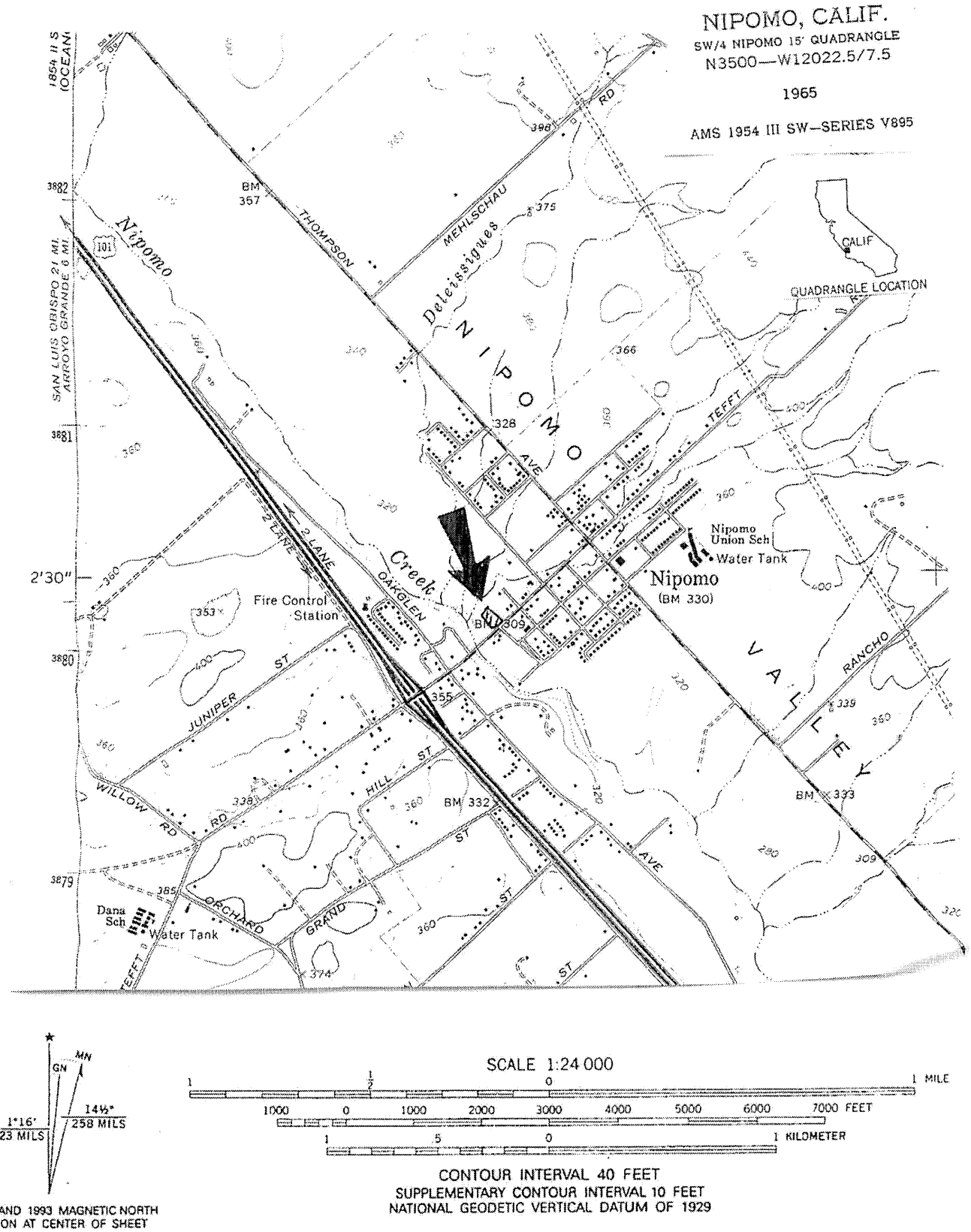
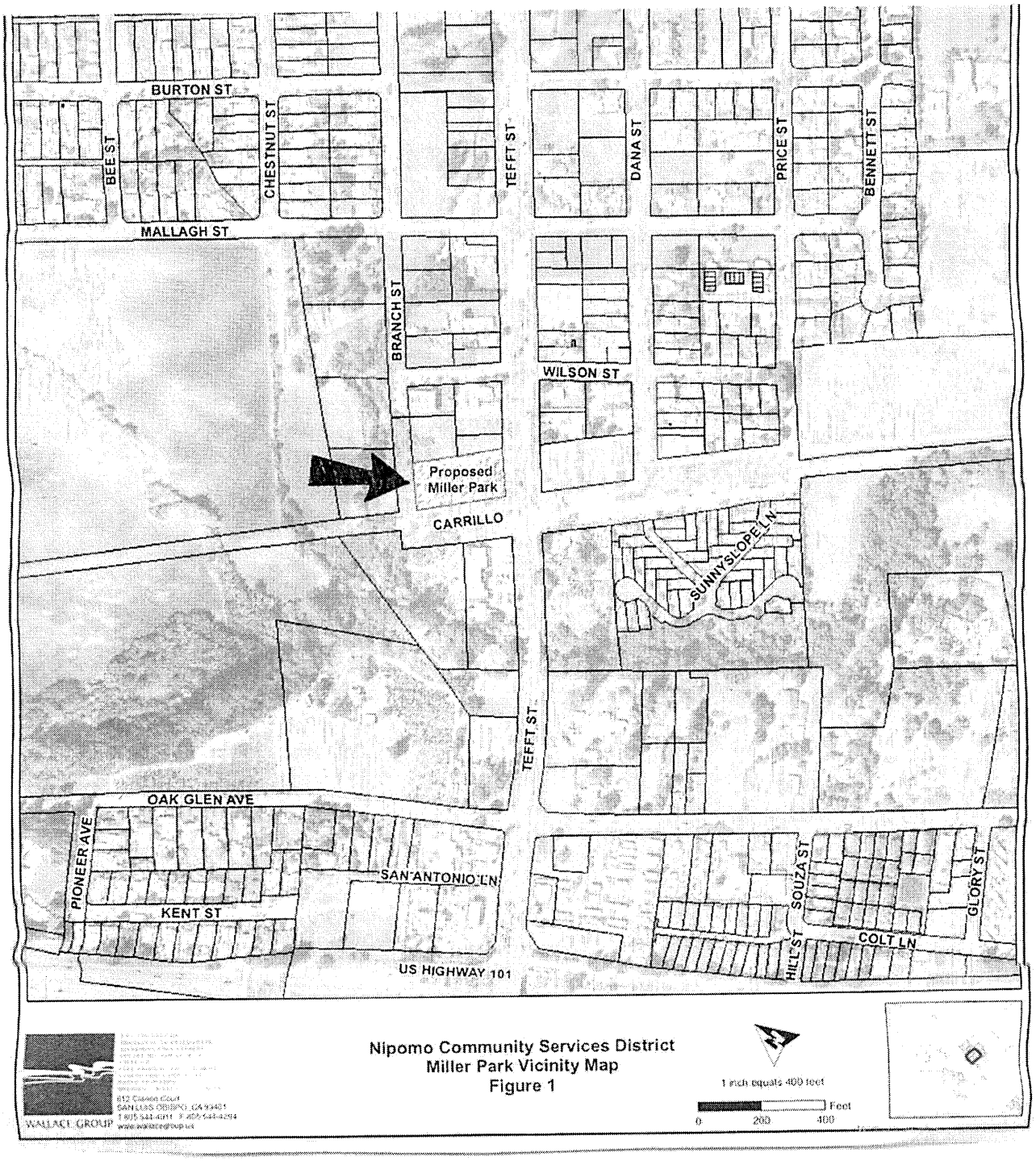
Map 1. Project Location of the Miller Park Project, Nipomo, San Luis Obispo County, CA



Map 2. Location of Project in Nipomo, San Luis Obispo County, CA



Map 3. Project Design and Possible Pacific Coast Railway Depot, Nipomo, San Luis Obispo County, CA

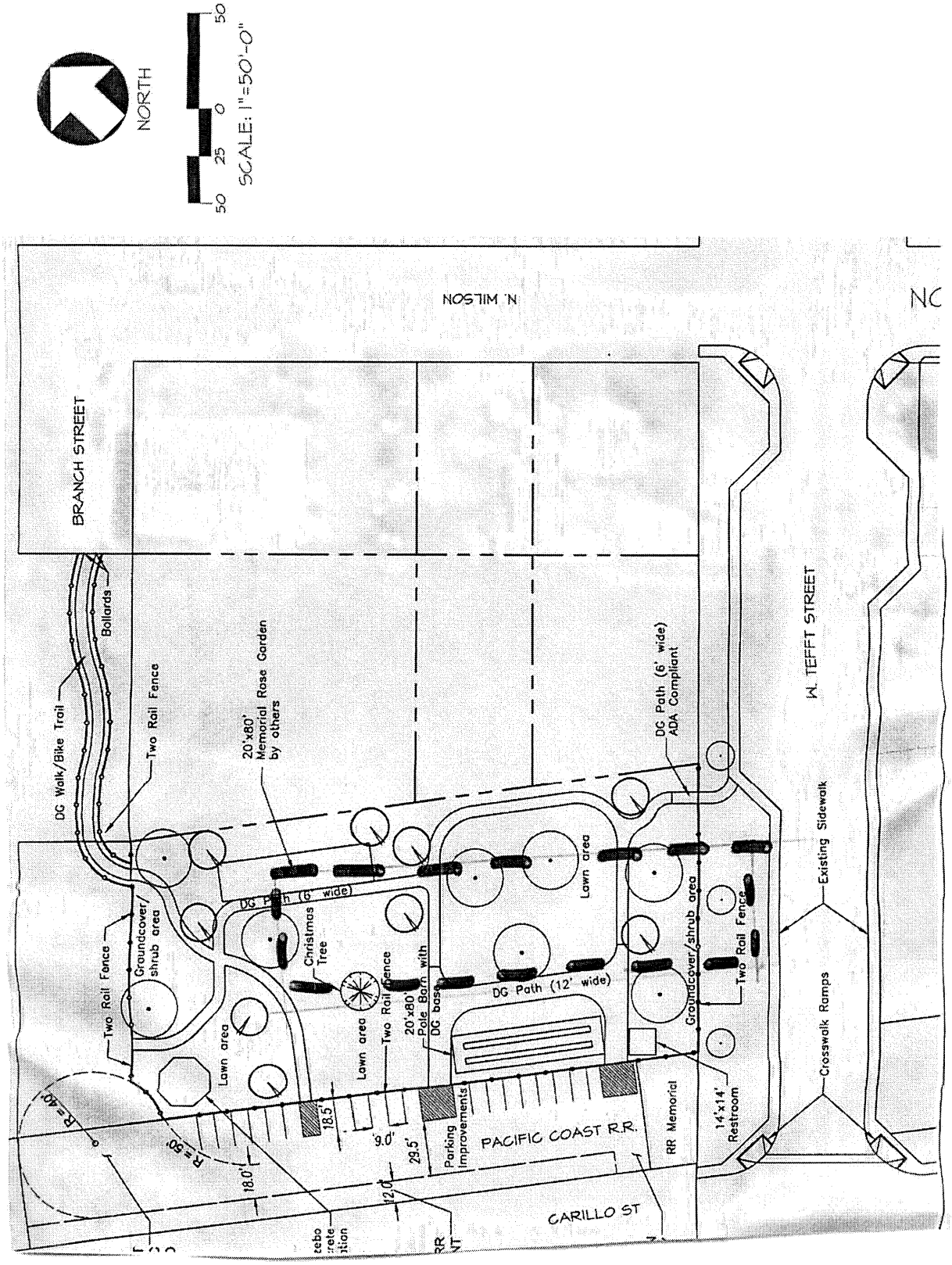


Figure 1. Summary of Pacific Coast Narrow Gage Railway History in Nipomo, CA

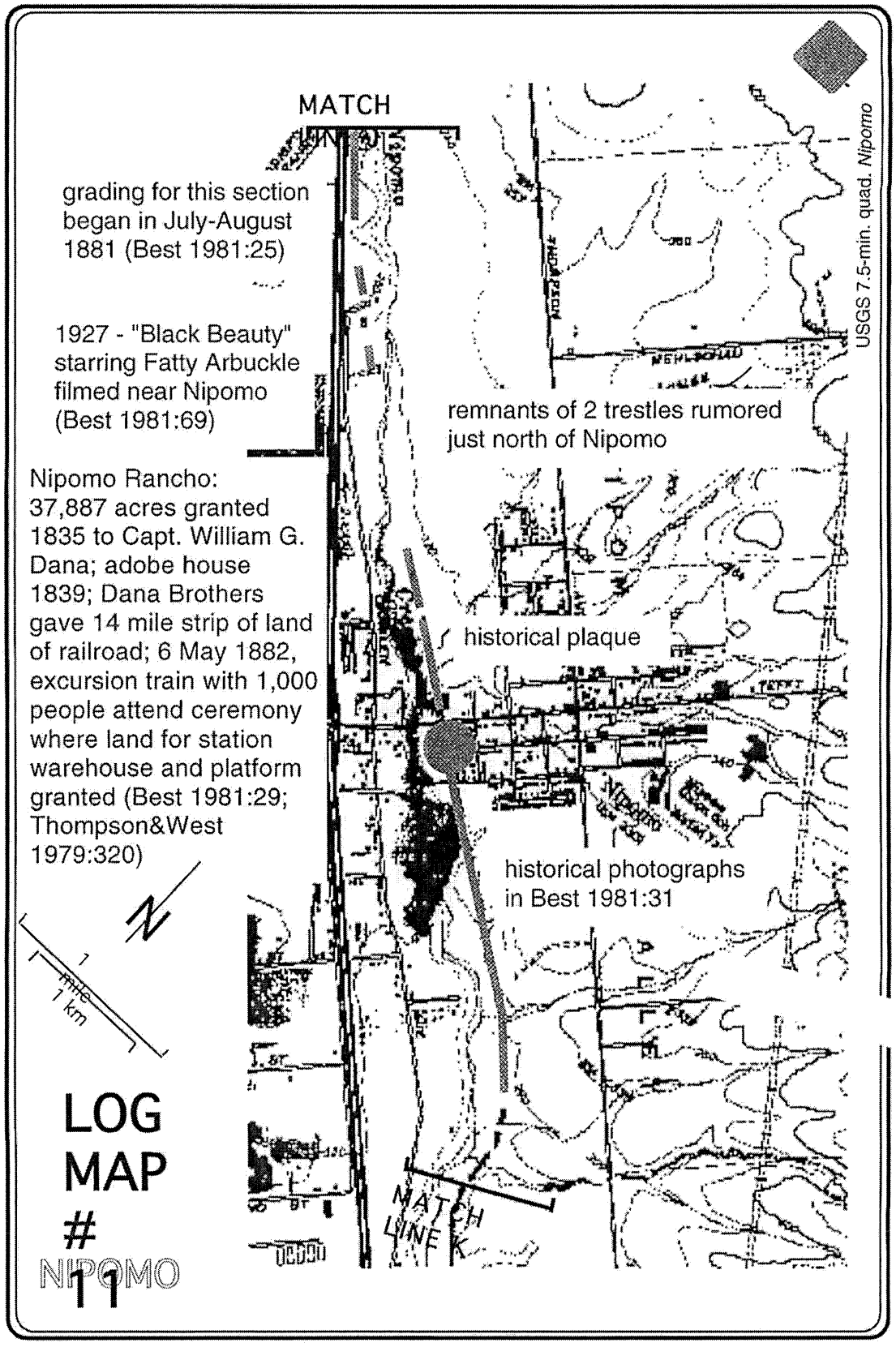
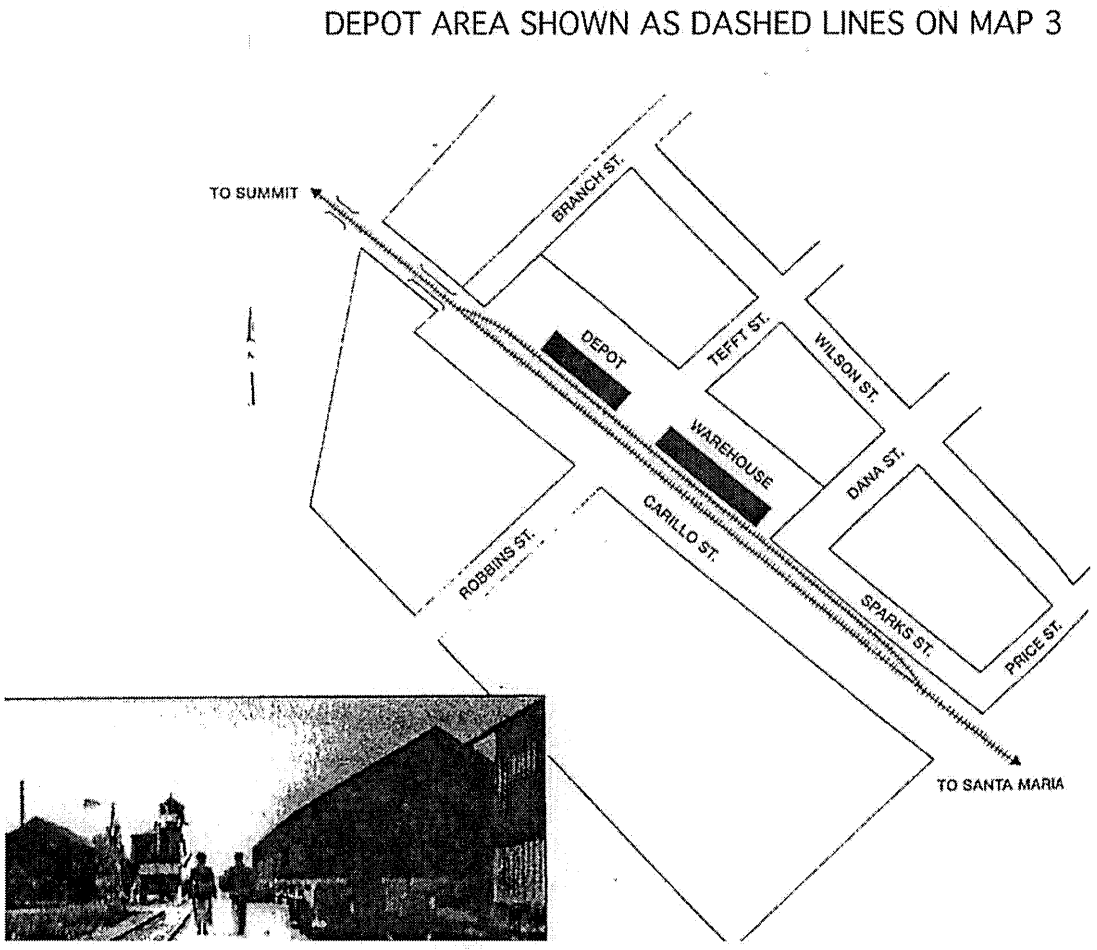


Figure 2. Approximate Location of Miller Park Project and PCRR Structures and Tracks, Nipomo, CA (Map taken from Westcott and Johnson 1998:154).



The Pacific Coast Railway facilities at Nipomo included a 1196.2 foot long passing track about 15 feet apart, a depot that was 40 feet wide by 184 feet long and a warehouse that 37 feet wide by 283 feet long (Westcott and Johnson 1998:154).

Photo 1. Looking east across Miller Park Project, Nipomo, San Luis Obispo County, CA

Photo 2. Close up of Pacific Coast Railway Right Of Way Plaque, Miller Park Project, Nipomo, CA

APPENDIX 1

CONFIDENTIAL

ARCHIVAL RECORDS SEARCH

OBTAINED FROM THE

CENTRAL COAST INFORMATION CENTER AT

UNIVERSITY OF CALIFORNIA AT

SANTA BARBARA , CA

CENTRAL COAST INFORMATION CENTER

California
Archaeological
Inventory

SAN LUIS OBISPO AND
SANTA BARBARA COUNTIES

Department of Anthropology
University of California, Santa Barbara
Santa Barbara, CA 931063210
(805) 893-2474
FAX (805) 893-8707
Email: centralcoastinfo@gmail.com

5/26/2009

Robert Gibson
Gibson's Archaeological Consulting
P.O. Box 102
Paso Robles, CA 93447

Dear Mr. Gibson,

Enclosed are the results of the record search you requested for the NCSD Southland Sewer Improvement Project. Our records were searched for all known archaeological sites and historic resources within the project area indicated.

In this search 26 archaeological sites were found. The locations were mapped onto portions of the Nipomo & Oceano quad(s). A search of the inventories for the State Historic Property Data Files, National Register of Historic Places, National Register of Determined Eligible Properties, California Historical Landmarks, California Points of Historic Interest, California OHP Archaeological Determinations of Eligibility, and the Caltrans State and Local Bridge Surveys yielded two property evaluations within the search radius.

Our records were not searched for previous cultural resource surveys; therefore, we can not offer a recommendation on the necessity of a survey at this location.

Please contact me if you have any questions about this search.

Sincerely,

Amy Gusick
Assistant Coordinator

P Number 40-040860 HRI No. 3444 PropertyNo Quad # Nipomo

Address Number Address Street

Town Nipomo Address Street Type

County SLO Zip 93444 UTM Zone 10 Easting 730380 Northing 3880460

Property Name Box Culvert & Bridge Yr Consructed 1930

Architect Builder WPA?

Project Central Coast Aquaduct, Reaches 5B & 6, PhaseII Date Prepared 1996

Condition good

Registration Status 7 Property Attributes

Comments

Arch Style Transportation Theme

California Points of Historical Interest State Bridges

California Registered Historical Landmarks

THEMES

Architecture	Economic	Exploration	Social
Arts Leisure	Government	Mililtary	

P Number 40-040847 HRI No. 3444-0001-0000 PropertyNo 018697 Quad # Nipomo

Address Number 671 Address Street S. Oak Glen

Town Nipomo Address Street Type Avenue

County SLO Zip 93444 UTM Zone 10 Easting 731100 Northing 3878770

Property Name Dana Adobe Yr Consructed 1839

Architect Builder William G. Dana

Project San Luis Obispo Historical Society Date Prepared 1970

Condition poor

Registration Status 1S, 7L Property Attributes 1-3 story single family dwelling

Comments Heavily vandalized

Arch Style

California Points of Historical Interest State Bridges

California Registered Historical Landmarks

THEMES

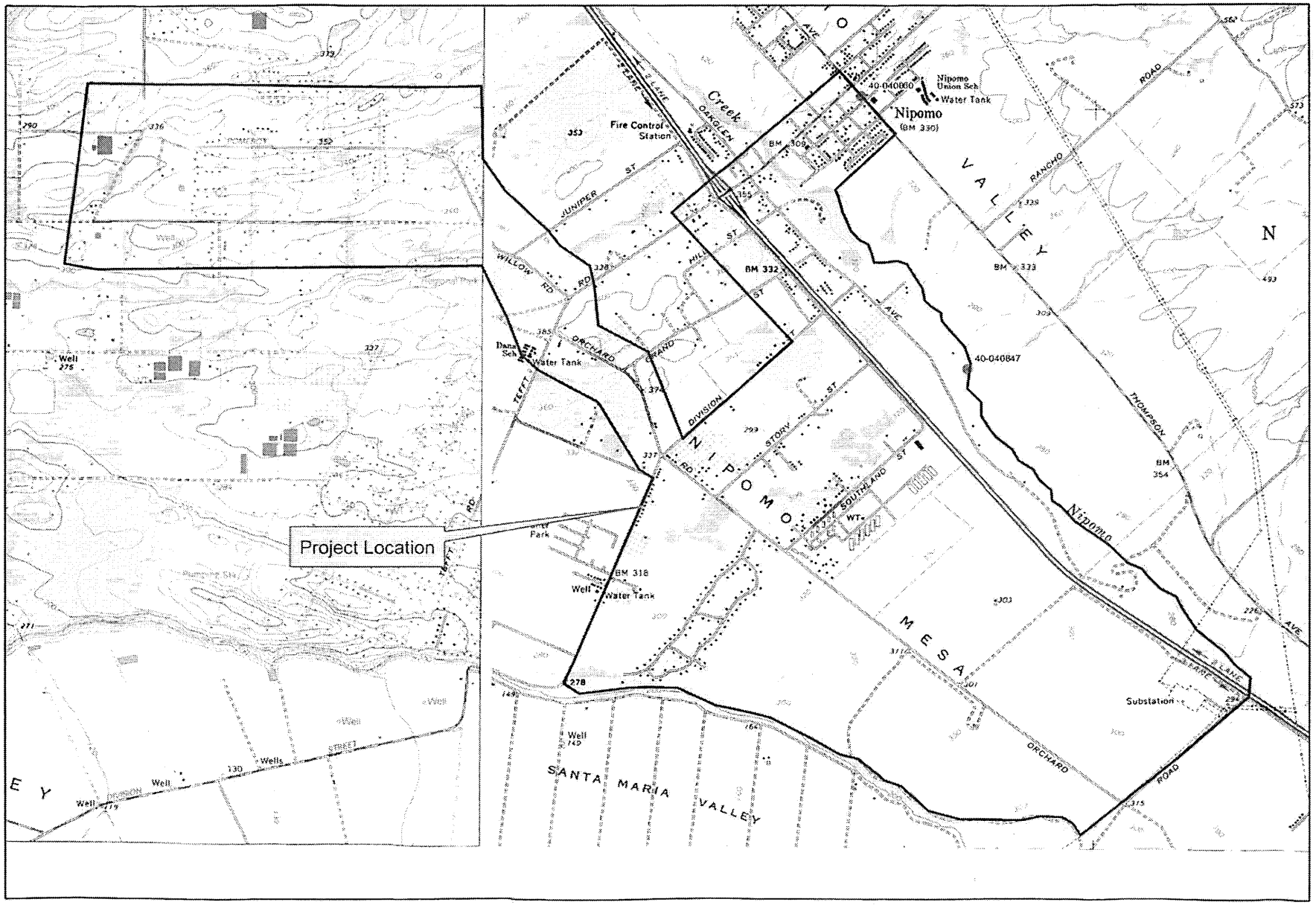
Architecture	Economic 1	Exploration 1	Social 1
Arts Leisure	Government	Mililtary	

Customer Name:
Project Location:
Project Location Here

NCSD Southland Sewer Improvement

Central Coast Information Center
Department of Anthropology
University of California
Santa Barbara, CA 93106-3210
(805) 893-2474
(805) 893-8707 FAX

Historic Resources Map - 1 of 1



mapped

Applied EarthWorks, Inc.
PRIMARY RECORD

Primary # P-40-002138
HRI #
Trinomial CA-SLO-2138 H
NRHP Status Code

Page 1 of 5

Other Listings
Review Code | Reviewer | Date

P1. Temporary Number/Resource Name: Olde Towne Nipomo 3

P2. Location: a. County: San Luis Obispo ☐ **Not for Publication** ☐ **Unrestricted**
b. USGS 7.5' Quad: Nipomo **Date** 1965 T 11 N, R 14 E ; Unsectioned
c. Address: Tefft Street east of Carrillo Street **B.M.:** MDM
d. UTM: Zone 10 3880180 /mN 729960 /mE
e. Other Locational Data: From the Highway 101 off-ramp travel east on Tefft Street to Carrillo Avenue. The site is on either side of Tefft Street immediately east of Carrillo Avenue.

P3a. Description: This is the site of the former Pacific Railway right-of-way. Among buildings that once stood on the property are the railroad depot and warehouse, and two water tanks. All of the buildings and the tracks are gone; however, the ground is uneven and contains pits and berms. This suggests that there may be foundations or other cultural materials below the ground surface. The only actual cultural materials observed in the former right-of-way are a pile of asphalt and a single Pismo clam shell, both on the north side of Tefft Street. In addition, a bronze plaque and railroad memorabilia, including a short segment of track and a railroad crossing sign, are placed near Tefft Street to commemorate the former railroad line.

P3b. Resource Attributes: (List attributes and codes) HP17 (Railroad Depot); AH2 (Foundations); AH16 (Other)

P4. Resources Present: ☐ Building ☐ Structure ☐ Object ■ Site ☐ District ☐ Element of District ☐ Other:

P5. Photograph or Drawing (photograph required for buildings, structures, and objects):

Archaeological Site—Photograph not required.

P6. Date Constructed/Age: ☐ Prehistoric ■ Historic ☐ Both

P7. Owner and Address: San Luis Obispo County

P8. Recorded by: Applied EarthWorks, Inc., 515 E. Ocean Avenue, Ste. G, Lompoc, CA 93436

P9. Date Recorded: 30 June 2001

P10. Survey Type: ■ Intensive ☐ Reconnaissance ☐ Other
Describe:

P11. Report Citation:
Denardo, Carole A.
2001 *Archaeological Survey Report for the Olde Towne Nipomo Enhancement Project, San Luis Obispo County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for Essex Environmental, San Luis Obispo, California, and County of San Luis Obispo Environmental Division of Planning and Building, San Luis Obispo, California. Submitted to California Department of Transportation, District 5, San Luis Obispo, California.

Attachments:
☐ NONE ■ Location Map ■ Site/Sketch Map ☐ Continuation Sheet
☐ Building, Structure, and Object Record ■ Archaeological Record ☐ District Record ☐ Linear Feature Record
☐ Photograph Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record
☐ Other (list):

Applied EarthWorks, Inc.
ARCHAEOLOGICAL SITE RECORD

Primary # P-40-002138
HRI #/Trinomial CA-SLO-2138H

Temporary Number/Resource Name: Olde Towne Nipomo 3

A1. Dimensions: a. Length 610 meters x **b. Width** 122 meters

Method of Measurement: ☐ Paced ☐ Taped ■ Visual estimate ☐ Other:

Method of Determination (check any that apply): ■ Artifacts ☐ Features ■ Soil ☐ Vegetation ■ Topography ☐ Cut bank ☐ Animal burrow ☐ Excavation ■ Property boundary ■ Other (explain): old maps

Reliability of Determination: ■ High ☐ Low Explain:

Limitations (check any that apply): ☐ Restricted access ☐ Paved/built over ■ Disturbances ☐ Site limits incompletely defined ☐ Other (explain):

A2. Depth: ☐ None ■ Unknown
Method of determination:

A3. Human Remains: ☐ Present ■ Absent ☐ Possible ☐ Unknown (explain):

A4. Features (Number, describe, indicate size, list associated cultural constituents, and show location of each on sketch map): None

A5. Cultural Constituents (not associated with features): A single Pismo clam shell and a pile of asphalt (probably recently deposited. A bronze plaque and railroad memorabilia commemorating the Pacific Coast Railway exist within the study area.

A6. Were Specimens Collected? ■ No ☐ Yes (If yes, attached Artifact Record or catalog.)

A7. Site Condition: ☐ Good ☐ Fair ■ Poor Disturbances: The ground is heavily disturbed from past building and track removal, grading, and other impacts.

A8. Nearest Water (type, distance, and direction): Nipomo Creek is less than 600 feet to the west

A9. Elevation: 309 feet amsl

A10. Environmental Setting (vegetation, fauna, soils, geology, landform, slope, aspect, exposure, etc.): The site occupies a former Oak Savannah within a floodplain. Soils are a loose tan sand.

A11. Historical Information (full citations in A15 below):

A12. Age: ☐ Prehistoric ☐ Protohistoric ☐ 1542–1769 ☐ 1769–1848 ☐ 1848–1880 ■ 1880–1914 ■ 1914–1945 ☐ Post 1945 ☐ Undetermined Describe position in regional prehistoric chronology or factual historic dates if known: 1882–1942

A13. Interpretations: Former location of Pacific Coast Railway, represents a vital part of the history of Nipomo and the development of agriculture throughout the region.

A14. Remarks: Foundation remains and other historic artifacts may be present below the ground surface.

Temporary Number/Resource Name: Olde Towne Nipomo 3

A15. References:

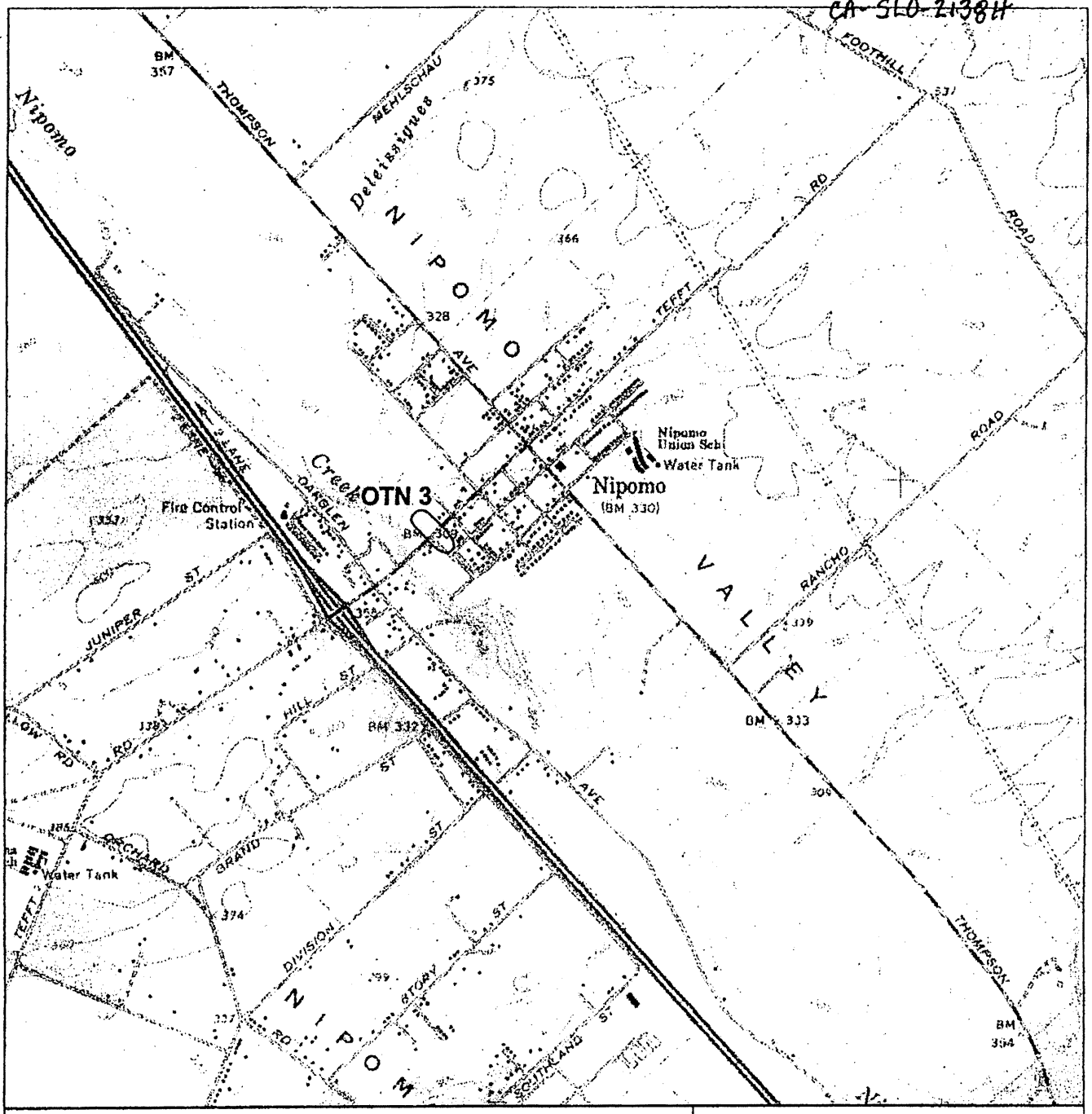
Nicholson, Patricia Henley
1969 Nipomo Town Site—The Map. *La Vista* 1:3. San Luis Obispo County Historical Society, San Luis Obispo, California.

Nicholson, Loren
1993 *Rails Across the Ranchos.* California Heritage Publishing Associates, San Luis Obispo, California.

A16. Photographs: Roll 591-CD-03, Frames 1–5; Roll 591-CD-02, Frames 2–4.
Original media/negatives kept at: Applied EarthWorks, Inc., 515 E. Ocean Ave., Suite G, Lompoc, CA 93436

A17. Form Prepared By: Carole Denardo **Date:** 30 June 2001
Affiliation and Address: Applied EarthWorks, Inc., 515 E. Ocean Avenue, Ste. G, Lompoc, CA 93436

P-40-002138
CA-SLO-2138H



USGS 7.5 Minute
Topographic Quadrangle
Nipomo, Calif.
T 11 N - R 34 W
1965

N

0 ½ 1
Mile

Contour Interval: 40 Feet

LEGEND

Archaeological Site

Site Location
Olde Towne Nipomo (OTN) 3

Olde Towne Nipomo Enhancement Project
Nipomo, San Luis Obispo County, California

05-SLO-0-CR
EA 05-927266L
STPLER5949(071)

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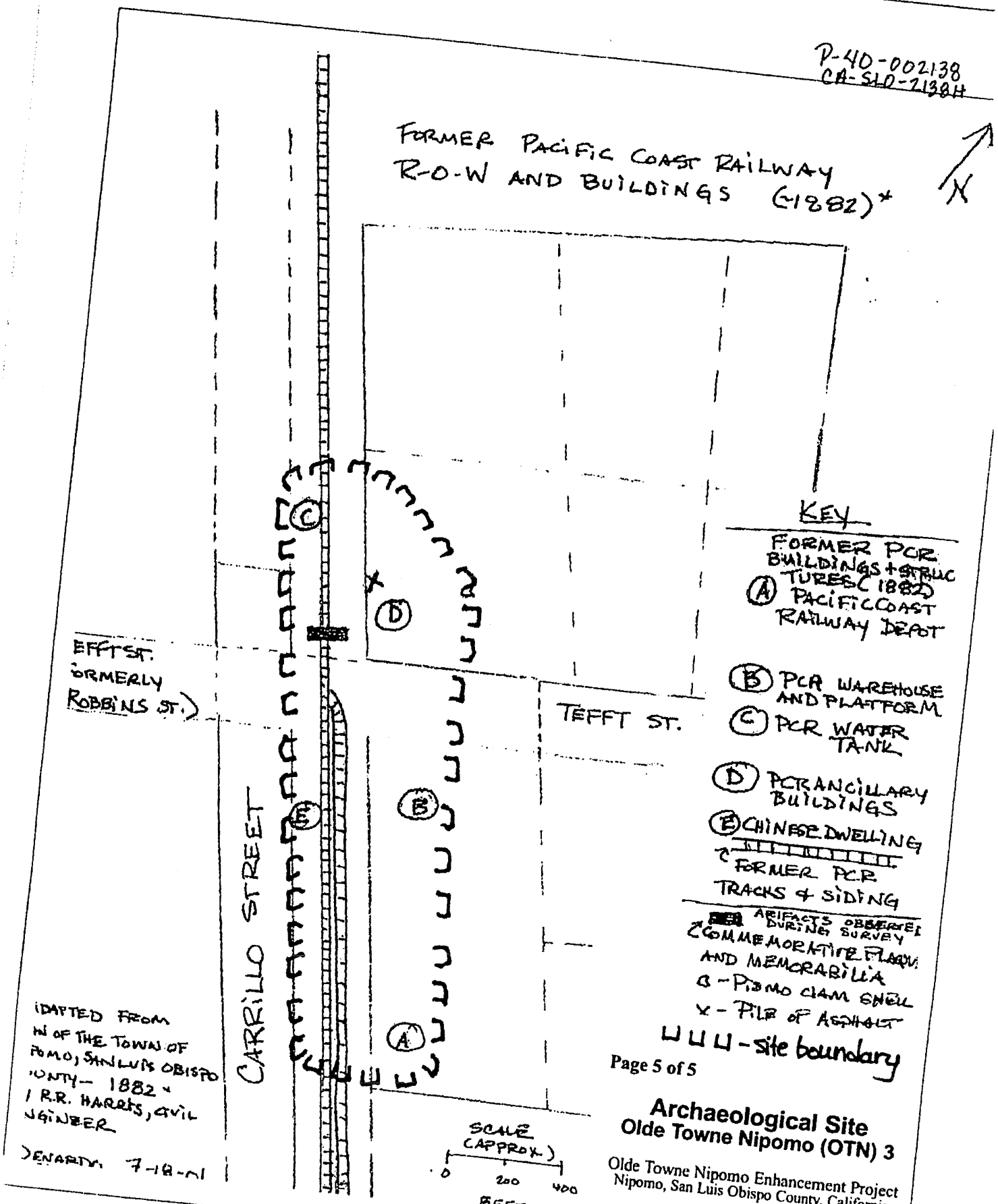
P-40-002138
CA-SLO-2138H



Archaeological Site
Olde Towne Nipomo (OTN) 3

Olde Towne Nipomo Enhancement Project
Nipomo, San Luis Obispo County, California

05-SLO-0-CR
EA 05-927266L
STPLER5949(071)

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